



Georgia Department of Early Care and Learning

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Notice of Public Hearing for Proposed Rulemaking
Bright from the Start: Georgia Department of Early Care and Learning

Rule Chapter 591-1-1, Rules and Regulations for Child Care Learning Centers

Proposed Amendment of Rule 591-1-1-.02
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Notice Date: October 9, 2015

Dear Sir or Madam:

Bright from the Start: Georgia Department of Early Care and Learning (Bright from the Start) proposes to amend our Child Care Learning Center rules in Rule Chapter 591-1-1 in the *Rules and Regulations for Child Care Learning Centers*.

Bright from the Start proposes these changes to the aforementioned rules and regulations as deemed necessary by the passage of 2015 Georgia House Bill 401 into law.

The purposes of the proposed amendments are as follows: to simplify the rules about criminal background checks by rearranging the format of the rules; to simplify the rules about staff qualifications by eliminating obsolete passages; to align the rules with the changes in the law after passage of 2015 House Bill 401 that are to go into effect on January 1, 2016 by 1) adding the rules for Group Day Care Home, 2) adding provisions to allow for permits, 3) adding provisions to allow for two year portability for records check determination letters for eligible students, 4) removing the notary requirement for records check applications, and 5) removing the background check requirements for most parents; to correct scrivener's errors; to align the rules with Georgia law regarding the prohibition of smoking in child care facilities and the allowance of EpiPen storage and administration.

The proposed amendments to the *Rules and Regulations for Child Care Learning Centers* as noted below have been posted to Bright from the Start's website at <http://dec.al.ga.gov/ChildCareServices/ProposedRevisions.aspx>.

The proposed changes are being considered for adoption on a permanent basis, and Bright from the Start invites interested parties to comment on them. All comments, written and verbal, will be given full consideration.

Interested parties may submit written comments by mail to 2 Martin Luther King, Jr. Drive SE, Suite 754, East Tower, Atlanta, GA 30334, by fax to (404) 656-0351 or by e-mail to CCSRuleRevisions@dec.al.ga.gov. To be considered, Bright from the Start must receive written comments on or before 5 p.m., November 10, 2015.

Interested parties who prefer to make verbal comments on the proposed rule changes may do so at a public hearing before the Board of Early Care and Learning. The public hearing will be held from 1 p.m. to 2 p.m. at 2 Martin Luther King Jr. Drive SE, East Tower 8th Floor, Oak Room, Atlanta, Georgia 30334 on Thursday, November 12, 2015. Speakers should sign in to speak

before 1 p.m. If no guest speakers arrive by 1:30 p.m., the board will resume its regular meeting. Comments made in writing will be given the same consideration as those that are made verbally.

All interested parties are invited to attend the public hearing even if they choose not to make verbal comments regarding the rule amendment proposals.

I. Proposed Amendments to Chapter 591-1-1, *Rules and Regulations for Child Care Learning Centers*

A. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.02 entitled “Definitions” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.02 Definitions

In these rules, unless the context requires otherwise, the symbols, words and phrases set forth herein shall mean the following:

- (a) "Adult" means any competent individual eighteen (18) years of age or older.
- (b) “Child Care Learning Center” or “Center” means any place operated by an individual or any business entity recognized under Georgia law ~~a person, society, agency, corporation, institution, or group~~ wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, seven~~19~~ or more children under 18 years of age and which is required to be licensed. Child Care Learning Center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to Code Section 20-1A-1 et seq.
- (c) "Child with Special Needs" means a child enrolled in a Center who, due to a physical problem, mental health disorder, behavioral disorder, or developmental disability, which is either permanent or temporary, requires some adaptation of the Center's standard program of care or activities to accommodate the child's special needs. ~~The special adaptations that the Center agrees to provide must be in writing and the result of a mutual agreement between the Center and the parents of the child with special needs. The agreement shall be made in connection with the child's enrollment or at the time that the special need becomes apparent to the Center or the parents.~~

(d) "Correctable Abuse Dereliction or Deficiency" means any conduct of a License or Permit Holder ~~Licensee~~ which violates any of these rules wherein the Department determines that the rule violation is not the result of any Non-Correctable Abuse, Dereliction or Deficiency.

(e) "Crime" means

1. Any felony;
2. A violation of O.C.G.A. Sec. 16-5-23, relating to simple battery, where the victim is a minor;
3. A violation of O.C.G.A. Sec. 16-5-23.1, relating to battery, where the victim is a minor;
4. A violation of O.C.G.A. Sec. 16-21-1, relating to contributing to the delinquency of a minor;
5. A violation of O.C.G.A. Sec. 16-6-1 et seq., relating to sexual offenses;
6. A violation of O.C.G.A. Sec. 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph; or
7. Any other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed in this paragraph.

(f) "Criminal Record" means:

1. Conviction of a crime; or
2. Arrest, charge, and sentencing for a crime where:
 - (i) A plea of nolo contendere was entered to the charge; or
 - (ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1 et seq., relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of O.C.G.A. Sec. 16-13-1 et seq. if such violation or offense constituted only simple possession; or
 - (iii) Adjudication or sentence was otherwise withheld or not entered on the charge; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1 et seq. relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of Chapter 13 of Title 16 if such violation or offense constituted only simple possession; or
 - ~~3. (iv)~~ Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. 17-3-1 et seq.

(g) “Department” means Bright from the Start: Georgia Department of Early Care and Learning.

(h) “Director” means the on-site manager of a Child Care Learning Center designated by the legal owner who is responsible for the supervision, operation and maintenance of the Center and meets the minimum qualifications as determined by the Department.

(i) “Employee” means any person, other than a Director or Provisional Employee, who is 17 years of age or older; and

1. Who is employed by a Center to perform at any of the Center’s facilities any duties which involve personal contact between that person and any child being cared for at the facility; or

2. Who resides at the facility; or

3. Who performs duties for the Center, with or without compensation, which involve personal contact between that person and any child being cared for by the Center, including but not limited to volunteers that perform consistent services for the Child Care Learning Center; or

4. Who is employed by a Center and who also has a child in care at the Center; or

5. Who is an independent contractor hired by the Center to offer consistent supplemental educational or physical activities for children in care; or

6. Who is a Student-in-Training.

(j) "Evening Care" means care provided to any child at a Center between the hours of 7:00 p.m. and 12:00 midnight.

(k)"Field Trip" means an excursion or program activity with a specific destination away from the Center. It does not include routine school or home pick-up and deliveries or transporting children to and from activities or events where the provider of the activities or the events assume responsibility for the children during the entirety of the event or activity, such as in dance classes or art lessons or regularly scheduled trips to the local public libraries.

(l) “Fingerprint” means an inked fingerprint card or an electronic image of a person’s fingerprint.

(m) “Fingerprint Records Check Application” means a document created by the Department to be completed and submitted to the Department by every actual and potential Director and Employee (including residents, volunteers, Students-in-Training, independent contractors) of the Center that indicates the individual’s name, Center type, and such other information as the Department deems appropriate and which authorizes the Department to receive and render a

Fingerprint Records Check Determination pursuant to any criminal history record information received pertaining to the individual from any local, state or national criminal justice or law enforcement agency.

(n) "Fingerprint Records Check Determination" means a satisfactory or unsatisfactory determination made by the Department that is based upon national criminal history record information obtained by the use of Fingerprints.

(o) "Group" means a specific number of children assigned to specific Staff~~staff~~ throughout the day. More than one Group may occupy the same physical space.

(p) "Infant" means any child who is under twelve (12) months of age or any child who is under eighteen (18) months of age and who is not yet walking.

(q) "License" means the document issued by the Department to authorize the License Holder to whom it is issued to operate a Center ~~under~~ in accordance with these rules. (In lieu of a License, a commission may be issued to a local church ministry, religious nonprofit school or nonprofit religious charitable organization. The requirements to obtain a commission under these rules shall be identical to those for a License.)

(r) "~~Licensee~~License Holder" means the individual or business entity ~~person, partnership, association, corporation or agency~~ holding a License issued by the Department to operate a Center at a particular location and having responsibility for the operation and maintenance of the Center in accordance with these rules.

(s) "Night-time Care" means care provided to children at the Center between the hours of 12:00 midnight and 6:00 a.m.

(t) "Non-Correctable Abuse, Dereliction or Deficiency" means an abuse, dereliction or violation of these rules which demonstrates any of the following:

1. Flagrant and shocking intentional misconduct by the Center Licensee or Center Staff~~staff~~ where ~~the~~ those responsible for the operation of the Center Licensee knew or should have known of the likelihood of Staff to commit such acts;

2. An intentional or reckless disregard for the physical health, mental health or safety of a child in care which may or may not result in physical injury to the child by the Center Licensee or the Center Staff where ~~the~~ those responsible for the operation of the Center Licensee knew or should have known of the likelihood of Staff to disregard; or

3. Some causal connection between the intentional violation of a rule and the death or major injury of a child in care; or

4. An intentional disregard of a particular rule(s) which relates directly to the health or safety of a child in care where the ~~Center~~Licensee has previously been cited for non-compliance with the particular rule(s) within the past twelve (12) months and has failed to sustain the remedial action(s) set forth in a previous ~~Plan of Correction~~plan of correction within that twelve-month period.

(u) "Parent" means a person related within the second degree of consanguinity by either blood or marriage, or a person with lawful custody, or a state-regulated foster parent, or a legal guardian of a child in care. For purposes of these rules, a Parent ~~who does not perform consistent services for the Center~~ shall not be considered an Employee unless such Parent is deemed an Employee by the Center or either resides in the Center or is compensated in any way by the Center other than through appropriate state or federal funds.

(v) "Permit" means the temporary document issued by the Department authorizing a Child Care Learning Center to operate without a License for a limited term and in accordance with these rules.

(w) "Permit Applicant" means an individual or any business entity recognized under Georgia law applying for a Permit from the Department as defined in these rules.

(x) "Permit Holder" means the individual or business entity issued a Permit by the Department to operate a Center at a particular location that is responsible for the operation and maintenance of the Center in accordance with these rules.

(y) "Personnel" or "Staff" means all persons including the Director, all full or part time Employees and ~~volunteers~~ and Provisional Employees, who perform consistent services for the Child Care Learning Center and have personal, direct or indirect contact with children at the Center.

~~(z)~~(w) "Plan of Correction" means a written plan prepared by the authorized agent of the Center ~~Director~~ submitted to and approved by the Department which states the procedure(s), method(s) and time frame(s) that will be used ~~by the Licensee~~ to correct the area(s) of non-compliance with these rules.

~~(11)~~(x) "Preliminary Records Check Determination" means a written satisfactory or unsatisfactory determination by a Center based on an examination of an individual's Georgia

Crime Information Center (GCIC) information (~~such as that found on a RAP sheet~~) obtained solely from a law enforcement agency.

(bb)(y) "Provisional Employee" means a person other than a Director or Employee, who has received a satisfactory Preliminary Records Check Determination, whose duties involve personal contact between that person and any child being cared for at the facility, and who is hired for a limited period of employment in accordance with these rules.

(cc)(z) "Qualified" or "Qualifications" means that a person possesses, in addition to the other requirements set forth in these rules, certain minimum personal and health requirements necessary to administer or be employed in a Center. A person may be considered by the Department to be qualified with respect to the minimum personal and health criteria when he or she has a Satisfactory Records Check Determination; is able ~~not suffering from a physical or mental condition which would interfere with the person's ability~~ to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules; has not made any material false statements relating to any licensure requirement to the Department, the Permit Holder or the License Holder~~Licensee~~; and has not been shown by credible evidence, e.g., a finding of fact made by a court, jury or department investigation or other reliable evidence, to have abused, neglected, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct.

(dd)(aa) "Qualifying Work Experience" means verifiable experience working directly with children.

(ee) "Records Check Clearance Date" means the date upon which an individual's fingerprint report was generated and which is noted on a letter of Satisfactory Records Check Determination issued by the Department.

(ff)(bb) "Satisfactory Records Check Determination" means a written declaration that a person for whom either a preliminary or a fingerprint records check was performed was found to have no Criminal Record as defined in these rules.

(gg)(ee) "School-age Children" means children who are at least five (5) years old by the first of September of the current school year and who are eligible to attend public school.

(hh)(dd) "School-age Center" means a Child Care Learning Center, or part thereof with separate physical facilities and a separate License~~license~~, which provides day-time care

exclusively to School-age Children~~school-age children~~ before and/or after the normal school day. Such programs may operate a full-day program solely for the School-age Children enrolled in the program during the regular school year during those periods when school is not in session.

()~~(ee)~~ “Student-in-Training” means a student currently enrolled in either a high school recognized by the Department of Education or an early education curriculum through an accredited school of higher education~~educational course of study~~ which requires or permits the student to observe and participate in the care of children at a Center during a limited period of time, i.e., one quarter, one trimester or one semester, provided that they are under the direct supervision of Center Personnel~~personnel~~ at all times. Sixteen-year-old or younger Students-in-Training are exempt from criminal record check requirements.

(ii) “Unsatisfactory Records Check Determination” means a written declaration that a person for whom either a preliminary or fingerprint records check was performed was found to have a Criminal Record as defined in these rules.

(kk) “Valid Evidence” means proof of a Satisfactory Records Check Determination as follows:

1. Directors – a current satisfactory determination letter issued by the Department with a Records Check Clearance Date that is within the immediate preceding one year of the Director’s date of hire or a current and valid court order indicating that an unsatisfactory determination made by the Department has been reversed;

2. Provisional Employees – a valid and current satisfactory Preliminary Records Check Determination issued within the immediate preceding 10 days of the Provisional Employee’s date of hire;

3. Employees hired before January 1, 2014 – a current satisfactory determination letter issued by the Department with a Records Check Clearance Date that is within the immediate preceding one year of the Employee’s date of hire, a current and valid court order indicating that an unsatisfactory determination made by the Department has been reversed, or, if prior to January 1, 2017, a valid and current satisfactory Preliminary Records Check Determination. As of January 1, 2017, a Preliminary Records Check Determination shall no longer be accepted as valid evidence;

4. Employees hired after January 1, 2014 – a current satisfactory determination letter issued by the Department with a Records Check Clearance Date that is within the immediate preceding

one year of the Employee's date of hire or a current and valid court order indicating that an unsatisfactory determination made by the Department has been reversed.

Authority: O.C.G.A. § 20-1A-1 *et seq.*

B. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.03 entitled “Activities” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.03 Activities

(1) The ~~Centereenter~~ shall provide a daily planned program of varied and developmentally appropriate activities that promote the social, emotional, physical, cognitive, language and literacy development of each child. Center ~~Staff~~ shall use a variety of teaching methods to accommodate the needs of the children's different learning styles.

(2) Current lesson plans shall be kept on site and reflect appropriate instruction practices and activities to support children's development. The ~~Centereenter~~ shall have sufficient and varied play and learning equipment and materials to support the above program of activities in all developmental areas.

(3) Opportunities for each child to make choices in a variety of activities shall be offered. A Child with Special Needs ~~Children with special needs~~ shall be integrated into the activities provided by the ~~Centereenter~~ unless contraindicated medically or by written parental agreement.

(a) Variety of Activities. Activities shall be planned for each group to allow for:

1. Indoor and outdoor play;
2. A balance of quiet and active periods;
3. A balance of supervised free choice and caregiver-directed activities;
4. Individual, small group and large group activities;
5. Large muscle activities, such as but not limited to, running, riding, climbing, balancing, jumping, throwing, or digging;
6. Small muscle activities, such as but not limited to, building with blocks or construction toys, use of puzzles, shapes, nesting or stacking toys , pegs, lacing, sorting beads, or clay;
7. Language experiences, such as but not limited to, listening, talking, rhymes, fingerplays, stories, use of film strips, recordings or flannel boards;
8. Arts and crafts, such as but not limited to, painting, coloring, cutting, or pasting;
9. Dramatic play, such as but not limited to, play in a home center, with dolls, puppets, or dress up;
10. Rhythm and music, such as but not limited to, listening, singing, dancing, or making music; and
11. Nature and science experiences , such as but not limited to, measuring, pouring activities related to the "world around us" such as nature walks , plants, leaves or weather or experiences in using the five senses through sensory play.

(b) Activities for Children Under Three. Children less than three (3) years of age shall not spend more than one-half (1/2) hour of time consecutively in confining equipment, such as swings, highchairs, jumpseats, carriers or walkers. Children shall use such equipment only when they are awake. Such children shall be allowed time to play on the floor daily. Infants shall have supervised tummy time on the floor daily when they are awake.

(c) Outdoor Activities. Outdoor activities shall be provided daily, weather permitting, in accordance with the following:

1. Centers operating five (5) hours or more per day shall provide each child who is not an infant at least one and one-half (1 1/2) hours of outdoor activity per day.
2. Infants shall spend at least one (1) hour daily out of doors.
3. Centers operating less than five (5) hours per day shall provide a brief outdoor period for the children daily.
4. A child may be excused from outdoor activities for a limited period of time if there is documentation that outdoor activity is medically contraindicated or there is an occasional written request by the parent that the child be excused from outdoor activities for a very limited amount of time because of special circumstances.

(d) Individual Attention. Personnel shall provide individual attention to each child as evidenced by:

1. Responding promptly to the child's distress signals and need for comfort.
2. Playing with and talking to the children.
3. Providing and assisting the child with personal care in a manner appropriate to the child's age level, i.e., providing the child privacy in dressing, diapering and toileting functions as the developmental~~chronological~~ age of the child dictates.

(e) Staff shall not engage in, or allow children or other adults to engage in, activities that could be detrimental to a child's health or well-being, such as but not limited to, horse play, rough play, wrestling, and picking up a child in a manner that could cause injury.

(f) Routines for Children. Personnel shall provide routines for toileting, eating, resting, napping (depending upon the age of the children), intervals between activities and doing school homework, if any. Staff shall assist and encourage each child to become independent in the development of self-help skills, such as washing hands and face, dressing, eating and toileting.

1. As they feel the need children shall be allowed to go to the toilet and get a drink of water.
2. Supervised nap or rest periods during the day shall be provided for children under five (5) years of age. Children who do not sleep during nap or rest periods shall not be required to remain lying down for more than one (1) hour.
3. Quiet activities for School-age Children~~school-age children~~ and other children who are not asleep shall be provided.

(g) Schedules. A daily schedule for each group shall be developed to reflect routines and activities. Schedules shall be flexible but routinely followed to provide structure. The schedule must be posted in each group's room or area and made available to Parent(s)~~parents~~ upon request.

(h) Media Activities. The use of entertainment media, such as television, videotaped programs or movies and video or computer games shall be limited to:

1. Television programs or computer software produced for the benefit of audiences comprised of young children.
 2. "G" -rated movies, i.e., movies that have been rated by the motion picture industry as suitable for a general audience which includes young children, or movies that have not been rated but which have been fully previewed by the administrator who has determined that the movies were produced for the benefit of young children and are appropriate for viewing by young children.
 3. No more than two (2) hours daily per child or group.
 4. Provided only at times when alternative activities are available for children who choose not to participate.
- (i) Evening Activities. During evening and night-time care, activities shall be provided based on children's ages, hours of care and length of time in care. Quiet activities and experiences shall be available immediately prior to bedtime.

Authority: O.C.G.A. § 20-1A-1.

C. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.04 entitled “Admission and Enrollment” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.04 Admission and Enrollment

(1) A ~~Centereenter~~ shall not accept a child for enrollment or continue the child's enrollment in the center where the ~~Centereenter~~ Staffstaff determines that services necessary to protect the health and safety of the child while at the ~~Centereenter~~ cannot be provided. No child shall be admitted for care to the ~~Centereenter~~ without enrollment records having been completed on the child in accordance with the requirements set forth in these rules.

(2) The admission of a Child with Special Needs must be in compliance with the Americans with Disabilities Act, and a reasonable effort must be made to accommodate the child’s needs and to integrate the child with other children. These accommodations must be in writing and the result of a mutual agreement between the Center and the Parents of the Child with Special Needs. The agreement shall be made in connection with the child's enrollment or at the time that the special need becomes apparent to the Center or the Parents.

Authority O.C.G.A. Sec. 20-1A-1.

D. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.05 entitled “Animals” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.05 Animals

(1) Control of Animals. Animals shall be controlled to assure that proper sanitation of the premises is maintained and animals are not a hazard to the children, ~~Personnel~~ personnel or visitors at the ~~Centereenter~~. No animals, such as but not limited to, pit bull dogs, ferrets, and poisonous snakes, which may have a vicious propensity, shall be permitted on the ~~child-care learning Centereenter~~ premises at any time there are children on the premises. Horses or other farm animals shall not be quartered on any property over which ~~Centereenter~~ Staffstaff exercises any control that is located within five hundred (500) feet of the building in which the ~~Centereenter~~ is located.

(2) Confinement. All animals shall be confined in pens or covered areas except for specific teacher-directed learning experiences. Animal pens and confinement areas shall be kept clean.

(3) Vaccinations. Animals shall be properly vaccinated and documentation of the vaccinations shall be maintained at the ~~Centereenter~~.

Authority O.C.G.A. Sec. 20-1A-1.

E. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.06 entitled “Bathrooms” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.06 Bathrooms

(1) Required Facilities. Flush toilets and lavatories (hand washing sinks) with running water shall be provided in the following minimum ratios for the use of all children:

<u>Number of Children</u>	<u>Toilets and Lavatories *</u>
1-12	1
13-25	2
26-50	3
51-75	4
76-100	5
101-125	6
126-150	7
151-175	8

Each additional group of twenty-five (25) children shall require one (1) additional toilet and lavatory.

* For children being potty-trained, at least one (1) flush toilet shall be provided. If used, nursery potty chairs may not be substituted for a required flush toilet.

(2) Location of Bathrooms. Bathrooms shall be located on each floor in or adjacent to child care areas and rooms.

(3) In lieu of the requirements set forth in subparagraphs (1) and (2) above, School-age Centers~~school-age child care learning centers~~ shall provide at least one (1) toilet and (1) lavatory for each group of twenty-five (25) children on the premises.

(4) Ventilation. In Centers~~centers~~ first licensed after March 1, 1991, and Centers~~centers~~ that remodel or add to existing plumbing facilities, the bathroom area shall be fully enclosed and ventilated to the outside of the building with either an open screened window or functioning exhaust fan and duct system. Centers without fully enclosed bathrooms shall ensure that there is adequate ventilation to control odors and adequate sanitation measures to prevent the spread of contagious diseases.

(5) Fixtures. When child-size fixtures are not provided, platforms or sets of steps to assist children who are unable to use the fixtures comfortably shall be available at the toilets and lavatories. In centers with a licensed capacity of 19 or more children, the toilet ~~Toilet~~ facilities for children aged four (4)-year-old pre-kindergarten-age and older children shall be suitably screened for privacy.

(6) Supplies. Bathrooms shall be within easy reach of children and equipped with soap, toilet tissue and single-use towels or cloth towels used only once between launderings.

(7) Cleanliness. Bathrooms shall be cleaned daily with a disinfectant.

Authority O.C.G.A. Secs. 20-1A-1 et seq.

F. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.07 entitled “Children’s Health” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.07 Children's Health

(1) Exclusion of Sick Children. A child shall not be accepted nor allowed to remain at the Centereenter if the child has the equivalent of a one hundred one (101) degrees Fahrenheit or higher oral temperature and another contagious symptom, such as but not limited to, a rash, diarrhea or a sore throat. When a child shows symptoms of illness during the day, the child shall be moved to a quiet area away from other children where the child shall be supervised and provided the necessary attention until such time as the child leaves the Centereenter or is able to return to the child's group.

(2) Parental Notification. Parents must be notified of a child's illness or injury as follows:

<u>Notification</u>	<u>When</u>
Immediately notify <u>Parent(s)</u> parents and obtain specific instructions until child can be picked up or returned to group.	When professional medical attention is required, or When child experiences symptoms of moderate discomfort such as elevated temperature, vomiting or diarrhea.
Notify <u>Parent(s)</u> parents by the end of the day.	When professional medical attention is not required, or When child experiences symptoms of less than moderate discomfort, or When child experiences an adverse reaction to prescribed medication which does not constitute moderate discomfort.

(3) Communicable Diseases. The Department's current communicable disease chart of recommendations for exclusion of sick children from the Centereenter and their readmission shall be followed. Parents of all children enrolled shall be notified in writing of the occurrence of any of the illnesses on the communicable disease chart, as provided by the Department, within twenty-four (24) hours after the Centereenter becomes aware of the illness or the next working day.

(4) Medical Emergencies. A ~~Centereenter~~ shall have a written plan which outlines how emergency medical services will be obtained, including place(s) the child will be taken for emergency care. When a medical emergency arises involving a child, the ~~Centereenter~~ ~~Staff~~ shall seek prompt emergency medical treatment and provide any certified or licensed emergency medical persons with immediate access to the child.

(5) Hazardous Items. Children shall not be permitted to wear around their necks or attach to their clothing pacifiers or other hazardous items.

Authority O.C.G.A. Sec. 20-1A-1.

G. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.08 entitled “Children’s Records” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.08 Children's Records

A ~~Centereenter~~ must maintain a file for each child while such child is in care at the ~~Centereenter~~ and for a period of one (1) year after such child is no longer in care at the ~~child care learning Centereenter~~. The file shall contain the following:

(a) Identifying information about the child to include: name, date of birth, sex, address, living arrangement if not with both ~~Parents~~parents, name of school, if any, ~~and name of guardian if applicable~~.

(b) Identifying information about the ~~Parent(s)parents or guardian~~ to include: names of both ~~Parents~~parents, guardian if applicable, home and work addresses, and home and work telephone numbers.

(c) Name(s) and addresses of the person(s) to whom the child may be released. Such information shall contain the authorized person’s address, telephone numbers, relationship to child and to ~~Parent(s)parent(s) or guardian~~, and other identifying information.

(d) Identifying information about the person(s) to contact in emergencies when the ~~Parentparent or guardian~~ cannot be reached to include name(s) and telephone number(s).

(e) Identifying information about the child's primary source of health care to include physician's or clinic's name and telephone number.

(f) Statement regarding known allergies or other physical problems, mental health disorders, mental retardation or developmental disabilities which would limit the child's participation in the Center's ~~seenter's~~ program and activities.

(g) Evidence of age-appropriate immunizations or a signed affidavit against such immunizations. The items shall be maintained for each child enrolled in the Centereenter on a form approved by the Department, and no child shall continue enrollment in the Centereenter for more than thirty (30) days without such evidence.

(h) Description of any special procedures to be followed in caring for the child, including any special services which the Centereenter agrees to provide to a Child with Special Needs ~~child with special needs~~.

(i) Documentation of incidents requiring professional medical attention, other than simple first aid performed by Centereenter Staff ~~staff~~, to include: child's name, type of illness or injury, date of illness or injury, how injury or illness occurred, Staff ~~staff~~ present, method of notifying Parent ~~parent or guardian~~ and services provided to the child.

(j) Parental or guardian ~~parental or guardian~~ authorizations (see rule .23 for details).

(k) Parental or guardian ~~parental or guardian~~ acknowledgment of their responsibility for keeping Centereenter advised of any significant changes in enrollment information concerning phone numbers, work locations, emergency contact, family physicians, etc.

(l) Parental or guardian ~~parental or guardian~~ acknowledgment that when the Parent(s) ~~parents, guardian, or persons~~ authorized by the Parent(s) ~~parents or guardian~~, pick up or drop off their child at the Centereenter, they will not allow their child to enter or leave the Centereenter without being escorted and that the Centereenter will not permit the child to enter or exit the Centereenter without an escort.

(m) Parental or guardian ~~parental or guardian~~ acknowledgment that where the school-age child care learning ~~School-age~~ Centereenter does not agree to provide routine meals and/or snacks, as appropriate, for the children, the Parent(s) ~~parents or guardian~~ agree that they shall provide the children with nutritious meals and snacks daily as appropriate.

(n) Confidentiality. Information pertaining to the children enrolled at a Centereenter is considered confidential and may not be released by Centereenter Staff ~~staff~~ without first obtaining written permission signed by the Parent(s) ~~parents or guardian~~ except in the following situations. Relevant information relating to the children's family situations, medical status and behavioral characteristics on the children enrolled at the Centereenter at any time shall be shared

~~among by Centereenter Staffstaff among caregivers on the center caregiver staff~~, with members of the Department or with other persons authorized by these rules or the law to receive such information, or with other persons in an emergency situation involving the child.

(o) Attendance Records. A child's daily attendance records for the twelve (12) preceding months must be maintained but need not be filed in each child's record. These records shall be made available to the Department in printed or written form upon request.

(p) Arrival and Departure Records. Records of a child's daily arrival and departure for the twelve (12) preceding months shall be maintained but need not be filed in each child's record. The ~~parent, guardian, Parent~~ or person(s) authorized by the ~~Parentparent or guardian~~ to drop off and pick up the child will document, in written or electronic format, each time the ~~parent, guardian, Parent~~ or authorized person drops off and picks up the child. The ~~Centereenter~~ shall ensure that children are only released to authorized person(s), and ~~Center Staffeenter staff~~ shall take necessary steps to determine that any such person(s) presenting to pick up a child in care is authorized by the ~~parent(s) or guardian Parent(s)~~ of the child and that person matches the identifying information provided by the ~~Parentparent or guardian~~.

1. The documentation shall include at least the following information: the date, the child's name-, the arrival and departure times-, and the signature or initials of the ~~parent, guardian, Parent~~ or authorized person at the time of arrival and departure.

2. These records shall be made available to the Department in printed or written form upon request.

Authority O.C.G.A. Sec. 20-1A-1 et seq.

H. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.09 entitled "*Criminal Records Check*" in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.09 Criminal Records Check

(1) Satisfactory Records Check Determination Required

(a) ~~The Center shall ensure that every~~Every actual and potential Director, Employee and Provisional Employee of a Child Care Learning Center ~~must havehas a Satisfactory Records Check Determination satisfactory criminal records check determination. before the individual is present at a Center while any child is present for care or before the individual resides in a Center.~~

~~(b) The satisfactory determination must be made before the individual can begin work at the facility; and~~

~~(c) The Center must ensure that no~~ (b) No actual or potential Director, Employee or Provisional Employee of a Child Care Learning Center with an Unsatisfactory Records Check Determination is may be present at a Centerfacility when any child is present for care. No individual with an Unsatisfactory Records Check Determination may reside at a Center.

(c) Valid Evidence of a satisfactory criminal records check as defined in these rules must be maintained at the Child Care Learning Center for the Director, each Employee (including Students-in-Training, Volunteers, independent contractors and residents age 17 and older) and each Provisional Employee for the duration of employment or residency plus one year, and such evidence must be made immediately available to the Department upon request.

(d) Each Employee hired on or after January 1, 2014 and the Center Director must have a satisfactory Fingerprint Records Check Determination with a Records Check Clearance Date that is within the preceding 12 months of the hire date. In order for the Department to issue a satisfactory Fingerprint Records Check Determination, each Employee and Director must submit both a Fingerprint Records Check Application to the Department and Fingerprints to an authorized fingerprinting site.

(e) Every Employee hired before January 1, 2014 must have either a satisfactory Preliminary Records Check Determination or a satisfactory Fingerprint Records Check Determination on file. If the Employee hired before January 1, 2014 has only a satisfactory Preliminary Records Check Determination on file, such Employee must obtain a Fingerprint Records Check Determination before January 1, 2017.

(f) Every Director hired before January 1, 2014 must receive a new satisfactory Fingerprint Records Check Determination before January 1, 2019.

(g) All Provisional Employees hired on or after January 1, 2014 must have a satisfactory Preliminary Records Check Determination. A Provisional Employee cannot reside at the Center or be present at the Center while children are present for care for more than 21 days from the date of hire or first day of residency without first submitting both a Fingerprint Records Check Application to the Department and Fingerprints to an authorized fingerprinting site.

(h) For a Provisional Employee to become a permanent Employee, the individual must have a satisfactory Fingerprint Records Check Determination.

(i) Portability for Directors and Employees (including Students-in-Training with a Records Check Clearance Date before January 1, 2016). A Center may accept a satisfactory determination letter issued by the Department for a potential Director or Employee (including a Student-in-Training with a Records Check Clearance Date before January 1, 2016) as sufficient evidence of that individual's Satisfactory Records Check Determination if the Records Check Clearance Date is within the preceding 12 months from the hire date, and the Center does not know or reasonably should not know that the individual's satisfactory status has changed.

(j) Portability for Students-in-Training with a Records Check Clearance Date on or after January 1, 2016. A Center may accept a satisfactory determination letter issued by the Department for a Student-in-Training with a Records Check Clearance Date on or after January 1, 2016 as sufficient evidence of that individual's satisfactory criminal records check determination if the Records Check Clearance Date is within the preceding 24 months from the hire date, the Center has verified and maintains evidence on file at the Center that the Student-in-Training is currently enrolled in a high school recognized by the Department of Education or an early education curriculum through an accredited school of higher education, and the Center does not know or reasonably should not know that the individual's satisfactory status has changed.

(k) Portability for Provisional Employees. A Preliminary Records Check Determination rendered by a Center is not portable; however, GCIC-based criminal history information obtained from local law enforcement can be used by more than one child care program so long as it was issued within the preceding 10 days of the hire date.

(l) Recheck Required. A new Fingerprint Records Check Determination is required at the following times:

1. A Center must immediately require a new Fingerprint Records Check Determination if the Center knows or reasonably should know that a Director or Employee has been arrested or charged for any covered Crime;

2. A Center must require a Director or Employee that has a Satisfactory Records Check Determination issued before January 1, 2014 to have a new Fingerprint Records Check Determination by January 1, 2019;

3. Effective January 1, 2019, a Center must require a new Fingerprint Records Check Determination for each Director and Employee such that the time between the new and the prior records check determination is not more than five years; and

4. A Center must require a Fingerprint Records Check Determination for any Director, Employee or Provisional Employee if the Department so requests.

~~(2) Records Check Requirements for Directors~~

~~—(a) Type of Records Check. All Directors are required to have a fingerprint-based criminal records check determination by the Department.~~

~~—(b) Records Check Determination Process. In order for the Department to issue a Satisfactory or Unsatisfactory Records Check Determination, the Center must ensure that the following is submitted for each potential Director:~~

~~—1. A completed Fingerprint Records Check Application to the Department; and~~

~~—2. Fingerprints to an authorized fingerprint processing site.~~

~~—(c) Evidence of Satisfactory Records Check Determination. The Center must have sufficient evidence that the Director has a Satisfactory Records Check Determination issued by the Department that is sufficient evidence that the Department's records check is satisfactory.~~

~~Sufficient evidence must be either:~~

~~—1. A current satisfactory determination letter issued by the Department for the Director; or~~

~~—2. A valid court order indicating that an unsatisfactory determination made by the Department for the Director has been reversed.~~

~~—(d) Portability. A Center may accept a satisfactory determination letter provided by a potential Director which was issued by the Department as sufficient evidence of that individual's satisfactory criminal records check determination if;~~

~~—1. The determination letter was issued by the Department within the immediate preceding 12 months from the hire date; and~~

~~—2. The Center does not know or reasonably should not know that the individual's satisfactory status has changed.~~

~~—(e) Recheck Required. A new Fingerprint Records Check Determination is required in the following circumstances:~~

~~—1. Beginning January 1, 2019, each Director that remains employed at a Center and has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new fingerprint records check determination and must obtain a new satisfactory fingerprint records check determination at least every five years thereafter;~~

- ~~—2. Beginning January 1, 2019, each Director must have a Satisfactory Records Check Determination on file that has been issued within the past five years;~~
- ~~—3. A Center must seek a new Fingerprint Records Check Determination if the Center knows or reasonably should know that a Director has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and~~
- ~~—4. A Center must seek a new Fingerprint Records Check Determination if the Department so requests.~~
- ~~—(f) Penalty. Failure to adhere to this rule shall result in revocation of the Center license.~~
- ~~—(3) Records Check Requirements for Employees Hired before January 1, 2014.~~
- ~~—(a) Fingerprint Records Check. All Employees hired before January 1, 2014 must have:~~
 - ~~—1. Before January 1, 2017, either a Preliminary Records Check Determination or a fingerprint-based criminal records check determination by the Department; and~~
 - ~~—2. As of January 1, 2017, a fingerprint-based criminal records check determination by the Department.~~
- ~~—(b) Records Check Determination Process.~~
 - ~~—1. For Employees hired before January 1, 2014 that have a local criminal records check, a Center must have reviewed current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement and determined that the Employee does not have a Criminal Record as defined in these rules.~~
 - ~~—2. For Employees hired before January 1, 2014 to have a fingerprint-based criminal records check determination, the Center must ensure that the following is submitted for each Employee:~~
 - ~~—(i) A completed Fingerprint Records Check Application to the Department; and~~
 - ~~—(ii) Fingerprints to an authorized fingerprint processing site.~~
- ~~—(c) Evidence of Satisfactory Records Check Determination Required. The Center must have sufficient evidence that every Employee hired before January 1, 2014 has a satisfactory criminal records check determination on file and immediately available to the Department upon request. Sufficient evidence must be one of the following:~~
 - ~~—1. A current satisfactory determination letter issued by the Department for the Employee; or~~
 - ~~—2. A valid court order indicating that an unsatisfactory determination made by the Department for the Employee has been reversed; or~~

~~3. If prior to January 1, 2017, a satisfactory Preliminary Records Check Determination.~~

~~(d) Portability. A Center may accept a satisfactory determination letter provided by a potential Employee which was issued by the Department as sufficient evidence of that individual's satisfactory criminal records check determination if;~~

~~1. The determination letter was issued by the Department within the immediate preceding 12 months from the hire date; and~~

~~2. The Center does not know or reasonably should not know that the individual's satisfactory status has changed.~~

~~(e) Recheck Required. A new Fingerprint Records Check Determination for Employees hired before January 1, 2014 is required in the following circumstances:~~

~~1. Beginning January 1, 2019, each Employee that remains employed at a Center and has a Satisfactory Records Check Determination issued on or before January 1, 2015, must obtain a new Fingerprint Records Check Determination. The Employee must obtain a new satisfactory Fingerprint Records Check Determination at least every five years thereafter;~~

~~2. Beginning January 1, 2019, each Employee must have a satisfactory Fingerprint Records Check Determination on file that has been issued within the past five years;~~

~~3. Center must seek a new Fingerprint Records Check Determination if the Center knows or reasonably should know that an Employee has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and~~

~~4. Center must seek a new Fingerprint Records Check Determination if the Department so requests.~~

~~(f) Penalty. Failure to adhere to this rule shall result in revocation of the Center license.~~

~~(4) Records Check Requirements for Employees Hired On or After January 1, 2014.~~

~~(a) Type of Records Check. All Employees hired on or after January 1, 2014 must have a Fingerprint Records Check Determination by the Department.~~

~~(b) Records Check Determination Process. In order for the Department to issue a Satisfactory Fingerprint Records Check Determination, the Center must ensure that the following is submitted for each potential Employee hired on or after January 1, 2014:~~

~~1. A completed Fingerprint Records Check Application to the Department; and~~

~~2. Fingerprints to an authorized fingerprint processing site; and~~

~~—(c) Evidence of Satisfactory Records Check Determination Required. The Center must have sufficient evidence that every Employee hired on or after January 1, 2014 has a satisfactory Fingerprint Records Check Determination on file and immediately available to the Department upon request. Sufficient evidence must be either:~~

- ~~—1. A current satisfactory determination letter issued by the Department for the Employee; or~~
- ~~—2. A valid court order indicating that an unsatisfactory determination made by the Department for the Employee has been reversed.~~

~~—(d) Portability. A Center may accept a satisfactory determination letter provided by a potential Employee which was issued by the Department as sufficient evidence of that individual's satisfactory criminal records check determination if:~~

- ~~1. The determination letter was issued by the Department within the immediate preceding 12 months from the hire date; and~~
- ~~2. The Center does not know or reasonably should not know that the individual's satisfactory status has changed.~~

~~—(e) Recheck Required. A new Fingerprint Records Check Determination for Employees hired on or after January 1, 2014 is required in the following circumstances:~~

- ~~—1. Beginning January 1, 2019, each Employee that remains employed at a Center and has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new Fingerprint Records Check Determination by January 1, 2019 and must obtain a new satisfactory Fingerprint Records Check Determination at least every five years thereafter;~~
- ~~—2. Beginning January 1, 2019, each Employee must have a satisfactory Fingerprint Records Check Determination on file that has been issued within the past five years;~~
- ~~—3. A Center must seek a new Fingerprint Records Check Determination if the Center knows or reasonably should know that an Employee has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and~~
- ~~—4. A Center must seek a new Fingerprint Records Check Determination if the Department so requests.~~

~~—(f) Penalty. Failure to adhere to this rule shall result in revocation of the Center license.~~

~~—(5) Records Check Requirements for Provisional Employees~~

- ~~—(a) Type of Records Check. All Provisional Employees hired on or after January 1, 2014 must have a satisfactory Preliminary Records Check Determination.~~
- ~~—(b) Records Check Determination Process.~~
 - ~~—1. As of January 1, 2014, before a Provisional Employee can be hired, a Center must make a Preliminary Records Check Determination for that person.~~
 - ~~—2. A satisfactory Preliminary Records Check Determination requires a Center to review current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement that was issued within the immediate preceding 10 days of the hire date and make a written statement or declaration that the Provisional Employee does not have a Criminal Record as defined in these rules.~~
 - ~~—3. For a Provisional Employee to become a permanent Employee, the individual must have a satisfactory Fingerprint Records Check Determination. Within the first 21 calendar days of provisional employment, the Center must ensure that the following is submitted for every Provisional Employee that the Center wishes to hire as a permanent Employee:~~
 - ~~—(i) the required Fingerprint Records Check Application to the Department; and~~
 - ~~—(ii) Fingerprints to an authorized fingerprint processing site.~~
- ~~—(c) Evidence of Satisfactory Records Check Determination Required. The Center must have sufficient evidence that every Provisional Employee hired has a satisfactory Preliminary Records Check Determination. Sufficient evidence must:~~
 - ~~—1. Be on file;~~
 - ~~—2. Be immediately available to the Department upon request;~~
 - ~~—3. Include a written declaration or statement from the Center verifying that the Provisional Employee has a satisfactory Preliminary Criminal Records Check Determination; and~~
 - ~~—4. Include either:~~
 - ~~—(i) Current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement that was issued within the immediate preceding 10 days of the hire date indicating that the Provisional Employee does not have a Criminal Record as defined in these rules; or~~
 - ~~—(ii) A valid court order indicating that an unsatisfactory determination has been reversed.~~
- ~~—(d) Portability. A Preliminary Records Check Determination rendered by a Center is not portable; however, GCIC-based criminal history information (such as that on a RAP sheet)~~

~~obtained from local law enforcement can be used by more than one child care program so long as it was issued within the immediate preceding 10 days of the hire date.~~

~~-(e) Penalty. Failure to adhere to this rule may result in revocation of the Center license.~~

Authority: O.C.G.A. § 20-1A-1 *et seq.*

I. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.10 entitled “*Diapering Areas and Practices*” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.10 Diapering Areas and Practices

- (1) Ventilation. For ~~Centerseenters~~ first licensed after March 1, 1991, and for ~~Centerseenters~~ that are renovated after March 1, 1991, the diapering areas shall be ventilated by functioning exhaust fans and a duct system or by the required operable windows.
- (2) Lavatory. In ~~Centerseenters~~ first licensed after March 1, 1991, and ~~Centerseenters~~ that renovate existing plumbing facilities, a hand washing lavatory with running heated water shall be located adjacent to the diapering area. Flush sinks shall not be used for hand washing. Cleansing procedures in other facilities shall be approved by the Department.
- (3) Changing Diapers. Diapers shall be changed in the child's own crib or on a diaper changing surface that is used for no purposes other than changing clothes in each room where infants or any other children wearing diapers are served.
 - (a) If diapers are changed on a diaper changing surface, the surface shall be smooth, nonporous, and equipped with a guard or rails to prevent falls. Between each diaper change, the diaper change surface shall be cleaned with a disinfectant and dried with a single-use disposable towel.
 - (b) Infants and children shall not be left unattended while being diapered or having their clothes changed on the diaper changing surface.
 - (c) Any items which might harm a child must be kept out of a child's reach.
- (4) Supplies. The following items shall also be provided at the diapering area: liquid soap, individually dispensed, single-use hand towels, single-use wash cloths, and covered storage container for soiled items.
- (5) Hygiene. Staff shall wash their hands with liquid soap and warm running water immediately before and after each diaper change they perform. Staff with diaper changing responsibilities shall not be simultaneously assigned to kitchen food preparation duties.

(6) Location of Diapering Area. The area used for diapering shall not be used for food preparation. It must be clear of formulas, food, food utensils and food preparation items.

(7) School-age Center. Except for children with special needs who are school-age but require diapering, the above rules do not apply to School-age Centers ~~school-age centers~~.

Authority O.C.G.A. Sec. 20-1A-1 et seq.

J. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.11 entitled “*Discipline*” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.11 Discipline

(1) Disciplinary actions used to correct a child's behavior, guidance techniques and any activities in which the children participate or observe at the Centereenter shall not be detrimental to the physical or mental health of any child.

(2) Personnel shall not:

(a) Physically or sexually abuse a child or engage or permit others to engage in sexually overt conduct in the presence of any child enrolled in the Centereenter;

(b) Inflict corporal/physical punishment upon a child;

(c) Shake, jerk, pinch or handle a child roughly;

(d) Verbally abuse or humiliate a child which includes, but is not limited to, the use of threats, profanity or belittling remarks about a child or his family;

(e) Isolate a child in a dark room, closet or unsupervised area;

(f) Use mechanical or physical restraints or devices to discipline children;

(g) Use medication to discipline or control children's behavior without written medical authorization issued by a licensed professional and given with the parent's written consent;

(h) Restrict unreasonably a child from going to the bathroom;

(i) Punish toileting accidents;

(j) Force-feed a child or withhold feeding a child regularly scheduled meals and/or snacks;

(k) Force or withhold naps;

(l) Allow children to discipline or humiliate other children;

(m) Confine a child for disciplinary purposes to a swing, highchair, infant carrier, walker or jumpseat;

(n) Commit any criminal act, as defined under Georgia law which is set forth in O.C.G.A. Sec. 16-1-1 et seq., in the presence of any child enrolled in the Center~~center~~.

Authority O.C.G.A. Sec. 20-1A-1.

K. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.12 entitled “*Equipment and Toys*” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.12 Equipment and Toys

(1) All indoor and outdoor furniture, activity materials, and equipment shall be used:

(a) In a safe and appropriate manner by each Employee~~employee~~ and child in attendance; and

(b) In accordance with the manufacturer’s instructions, recommendations, and intended use.

(2) Equipment. All equipment and furniture shall be used only by the age-appropriate group of children. Equipment and furniture shall be:

(a) Free from hazardous conditions such as, but not limited to, sharp rough edges or toxic paint;

(b) Kept clean;

(c) Placed so as to permit the children’s freedom of movement and to minimize danger of accident and collision;

(d) Secured if equipment and furniture is of a weight or mass that could cause injury from tipping, falling, or being pulled or pushed over. Potentially unstable equipment and furniture that might injure a child if not secured include, but are not limited to, televisions, chests of drawers, bookcases, shelving, cabinets and fish tanks. Examples of items not required to be secured include, but are not limited to, child-sized tables and chairs, rocking chairs, and cribs.

(3) Toys. A variety of age-appropriate toys and play materials shall be available. They shall be stored on low, open shelves accessible to children in each room or assigned area. Toys that launch projectiles, such as dart guns, pop guns, slingshots, etc., shall not be allowed in the Center~~center~~, and balloons shall not be accessible to preschool children.

(4) Toys for Children Under Three. Toys for children under three (3) years of age shall also be age-appropriate. Those toys shall be:

- (a) Non-toxic and lead-free;
 - (b) Too large to be swallowed by a child and not capable of causing asphyxiation or strangulation;
 - (c) Free of sharp pieces, edges or points of small parts which may be pried off by a child;
 - (d) Free of rust;
 - (e) Easily cleaned with a disinfectant daily.
- (5) Tables. There shall be table space provided for each child who is able to sit at a table unassisted. An appropriately sized chair or bench shall be provided for each child who is not an infant and who is able to use a chair or bench.

Authority O.C.G.A. Sec. 20-1A-1 et seq.

L. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.13 entitled “Field Trips” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.13 Field Trips

- (1) Notice to Parent(s)~~Parents~~. A Centereenter~~Center~~ shall notify Parent(s)~~parents~~ in advance of a child's participation in any field trip. The notice shall include the name and address of the trip destination, the date of the trip, time of departure and estimated arrival time back at the Centereenter~~Center~~.
- (2) Parental Permission. A Centereenter~~Center~~ shall obtain written permission from _____ () ~~parents~~ in advance of the child's participation in any field trip and such permission must be signed and dated by a Parent~~parent~~.
- (3) Additional Supervision. Regular Staff~~staff~~: child ratios must be maintained on a trip and an additional Employee, chaperone or Student-in-Training~~employee, chaperon or student in training~~ who is at least sixteen (16) years of age shall be available to assist in the supervision of each group of twenty-five (25) children. If the field trip involves transporting children, the Centereenter~~Center~~ must ensure it complies with the staffing requirements for transporting children.
- (4) List of Trip Participants. A list of children and adults participating in the trip shall be left at the Centereenter~~Center~~ as well as be taken on the trip in the possession of the adult in charge of the trip.
- (5) Emergency Medical Information. Emergency medical information on each child to include allergies; special medical needs and conditions; current prescribed medications that the child is

required to take on a daily basis for a chronic condition; the name and phone number of the child's doctor; the local medical facility that the Centereenter uses in the area where the Centereenter is located; and the telephone numbers where the Parent(s)parents can be reached shall be left at the Centereenter as well as be taken on the trip in the possession of the adult in charge of the trip.

(6) Name Tags. Each child on a field trip shall have on their person their name, and the Center'scenter's name address and telephone number.

Authority O.C.G.A. Sec. 20-1A-1.

M. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.14 entitled “First Aid and CPR” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.14 First Aid and CPR

(1) Training.

(a) In a Center with a licensed capacity of nineteen (19) children or more, the The Centereenter Directordirector must successfully complete a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid. The first aid program must be done by certified or licensed health care professionals and must deal with the provision of emergency care to infants and children. In addition, at least fifty percent (50%) of the caregiver Staffstaff shall have completed such training.

(b) In a Center with a licensed capacity of eighteen (18) children or fewer, the Center Director must successfully complete a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid if no other full time Staff member has such training. The first aid program must be done by certified or licensed health care professionals and must deal with the provision of emergency care to infants and children.

(2) Staffing Requirement. Whenever any child is children are present, there must always be an-a Staff member employee on the Centereenter premises who is trained in CPR and first aid.

(32) Supplies. Each building of the Centereenter and any vehicle used by the Centereenter for transportation of children shall have a first aid kit which shall at least contain: scissors; tweezers;

gauze pads; adhesive tape; thermometer; band-aids, assorted sizes; antibacterial ointment; insect-sting preparation; an antiseptic cleansing solution; triangular bandages; rubber gloves; protective eye wear; a protective face mask; and cold pack. The first aid kit, together with a first aid instruction manual which must be kept with the kit at all times, shall be stored so that it is not accessible to children but is easily accessible to Staffstaff.

Authority O.C.G.A. Sec. 20-1A-1.

N. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.15 entitled “Food Service and Nutrition” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.15 Food Service and Nutrition

(1) Compliance with USDA Nutritional Guidelines. Meals and snacks with serving sizes dependent upon the age of the child shall meet nutritional guidelines as established by the United States Department of Agriculture Child Care Food Program. Meals and snacks shall be varied daily, and additional servings of nutritious food shall be offered to children over and above the required daily minimum, if not contraindicated by special diets.

(2) Feeding of Children. A signed written feeding plan for children less than one (1) year of age shall be obtained from Parent(s)parents. Instructions from the Parent(s)parent shall be updated regularly as new foods are added or other dietary changes are made. The feeding plan shall be posted in the child's assigned room and must include the child's feeding schedule, the amount of formula or breast milk to be given, instructions for the introduction of solid foods, the amount of food to be given and notation of any type(s) of commercially premixed formula which may not be used in an emergency because of food allergies.

(a) Center Personnelpersonnel shall hold and feed infants less than six (6) months of age and older children who cannot hold their own bottles or sit alone. Baby bottles shall never be propped; the infant's head shall be elevated while feeding.

(b) Honey shall not be served to children less than one (1) year of age.

(c) As soon as the feeding plan indicates that a child is ready for solid foods, the child shall be fed from individual spoons and individual containers or dishes. A child shall not be fed directly from the original baby food container if the contents are to be fed to the child at more than one (1) meal or to more than one (1) child.

(d) As soon as the child exhibits a desire to feed him/herself, the child shall be assisted and encouraged to use their fingers for self-feeding, eat with a spoon, and to drink from individual cups.

(e) The Centereenter shall encourage and support breastfeeding. Centers shall have a designated area set aside for breastfeeding mothers to breastfeed.

(3) Baby Bottles and Formula. All baby bottles shall be clearly labeled with the individual child's name. Formula or breast milk shall be supplied by the parent daily in bottles. Only the current day's formula or breast milk shall be served. Bottles shall be refrigerated at a temperature of forty (40) degrees Fahrenheit or less. If formula must be provided by the Centereenter, only commercially prepared, ready-to-feed formula shall be used. Refrigerated or frozen breast milk shall only be heated or thawed under warm running water or in a container of warm water.

(4) Feeding Chairs. A feeding chair or similar equipment designed for feeding children shall be provided for the use of each child being fed who is capable of sitting up but who is unable to sit unassisted at a table. The chair or similar equipment must be cleaned with a disinfectant. Such chair or similar equipment shall have a broad base to prevent tipping; a surface that the child cannot raise; a strap or other device which prevents the child from sliding out of the chair; and a feeding surface free of cracks.

(5) Menus. The Centereenter shall provide a menu listing all meals and snacks to be served during the current week except for School-age Centers~~school-age centers~~ where the food may be provided by the Parent(s)~~parents~~ by agreement between the School-age Center~~school-age center~~ and the Parent(s)~~parents~~. The menus shall be dated and posted near the front entrance of the Centereenter in a location conspicuous to Parent(s)~~parents~~. Substitutions shall be recorded on the posted menu. Menus shall be retained at the Centereenter for six (6) months.

(6) Meal Service.

(a) Children shall be served all meals and snacks scheduled for the period during which they are present. In those Centerseenters where the Parent(s)~~parents~~ of children enrolled provide the meals and snacks, the Centereenter shall ensure that no child remains at the Centereenter without receiving the scheduled nutritious meals and snacks. There shall be a period of at least two (2) hours between each required meal or snack. Drinking water shall be offered at least once between meals and snacks to children less than three (3) years of age. The following meals and snacks shall be scheduled and served by the Centereenter when appropriate:

1. Breakfast or a morning snack;
2. Lunch;
3. An afternoon snack;
4. Supper if a Center operates evening care;
5. An evening snack prior to bedtime if a Center operates night-time care.

(b) Food and beverages shall be served in individual plates or bowls and with individual glasses or cups.

(c) Children shall be encouraged but not forced to eat.

(d) Caregivers shall not use food to punish or reward children.

(e) Children shall be given necessary assistance in feeding and encouraged to develop good nutritional habits.

(f) Hot food shall not be served at a temperature which would cause the children to burn their mouths upon consuming the food.

(g) Drinking water shall be available to all children.

(7) Restrictions. Peanuts, hot dogs, raw carrots, popcorn, fish with bones and grapes shall not be served to the children less than three (3) years of age. Children older than three (3) years of age may be served these foods provided that the foods are cut in such a way as to minimize choking. Foods and drinks with little or no nutritional value, i.e., sweets, soft drinks, etc. shall be served only on special occasions and only in addition to the required nutritious meals and snacks.

Powdered nonfat dry milk shall only be used for cooking purposes.

(8) Modified Diets. When a child requires a modified diet for medical reasons, a written statement from a medical authority shall be on file. When a child requires a modified diet for religious reasons, a written statement to that effect from the child's Parent(s) shall be on file. All caregiver Personnel shall be informed of the diet restriction for the child and only food that complies with the prescribed dietary regimen but still meets the food and nutrition requirements shall be served to the child.

(9) Unconsumed Food. Any portions of food or drink which are served to children or placed on the table for service and are not consumed at that meal or snack by the children to whom the portions are served shall be thrown away. Any formula or breast milk remaining one hour from the beginning of the feeding shall be discarded or returned to Parent(s).

(10) Catered Food. Food purchased from a caterer shall be prepared in a facility with a current food service permit and shall be maintained at a safe temperature [forty-five (45) degrees Fahrenheit or below for foods requiring refrigeration or one hundred forty (140) degrees Fahrenheit for foods which must be heated prior to serving] until served.

(11) Vending Machines. Soft drink vending machines and other food dispensers shall not be maintained on ~~Centereenter~~ premises for children's use. Vending machines and dispensers for ~~Staff~~ staff shall be outside of the children's areas.

Authority O.C.G.A. Sec. 20-1A-1 et seq.

O. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.16 entitled “*Governing Body and Licenses*” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.16 Governing Body and Licenses

Each ~~Centereenter~~ shall have a clearly identified governing body which shall be empowered and responsible for determining all policies and procedures and ensuring compliance with these rules and regulations. The chairperson or chief executive officer of the governing body shall complete a statement of responsibility on behalf of the governing body acknowledging the same in connection with any application for ~~License~~ license or ~~Permit~~ on a form provided by the Department. If the ~~Centereenter~~ is individually owned, then the owner(s) will complete the statement of responsibility.

(a) Application for License. Prior to filing for licensure, an applicant shall attend an orientation of no more than 16 hours that has been approved by the Department. This orientation shall, at a minimum, provide instruction on the application process and give an overview of the Department’s regulations that relate to the operation of early child care learning centers.

1. Orientation. An existing ~~License Holder~~ licensee applying for another ~~child-care-center~~ Child Care Learning Center License is not required to attend another orientation within two years following the successful completion of a prior orientation.

2. An applicant applying for multiple ~~child-care-center~~ Child Care Learning Center Licenses at one time is only required to attend one orientation.

(b) ~~Director's Training. (Effective October 1, 2005)~~ Prior to the issuance of an initial License, the Director of a Center responsible for its day-to-day operations shall have completed a 40-hour director's training course that has been approved by the Department. At a minimum, the subject matter taught at a Director's training course shall cover the areas of administrator competencies that serve as a framework for professional development, which include, but are not limited to, early learning standards, business management, communication, developmentally appropriate practices, professional and leadership development, and advocacy for the Center, Parents, children and Staff.

(c) ~~License~~. No person shall operate a ~~child-care-learning~~ Center without a License or Permit. A separate License or Permit is required for each address or location at which a Center is proposed to be operated even when all of the proposed Centers are owned by the same person or entity. A separate License or Permit is also required for each Center operated at a single location by the same governing body.

1. Temporary License. The Department may at its discretion issue a temporary License if the health and safety of the children to be served by the Center will not be endangered. A temporary License will be valid for a specified period not to exceed one (1) year and may be issued when the ~~child-care-learning~~ Center is not in full compliance with these rules but has demonstrated satisfactory evidence that it is making progress toward meeting these rules and has submitted an acceptable Plan of Correction.

2. Restricted License. The Department may at its discretion issue a restricted License in lieu of a temporary or regular License. The restricted License may be granted either in connection with the initial application process for a License or Permit or as a result of a subsequent determination made by the Department concerning compliance with these rules. The restriction shall appear on the face of the License and shall restrict a Center from providing care or services which are beyond the capability of the License Holder to provide. The restriction may also limit the number and/or age of the children served by the Center.

3. Regular License. A License will be issued upon presentation of evidence satisfactory to the Department that the Center is in compliance with applicable statutes and these rules.

The License is valid for one year unless voluntarily surrendered by the holder, reduced to a restricted or temporary License or suspended or revoked by the Department.

4. Qualification Requirement. In order to obtain or retain a License or Permit, the Director of the Center and its Employees must be qualified as defined in these rules to administer or work in a Center. The Department may presume that the Director and Center Employees are qualified subject to satisfactory determinations on the criminal records checks. However, the Department may require additional reasonable verification of the qualifications of the Director and Center Employees either at the time of application for a License or Permit or at any time during the License or Permit period whenever the Department has reason to believe that a Director or Center Employee is not qualified under these rules to administer or work in a Child Care Learning Center. Reasonable verification which may be required by the Department may include, but need not be limited to, any or all of the following: statement(s) from an attending physician or other health care professionals attesting to the mental and/or physical health of the applicant and/or staff member; letters of reference from designated persons in the community where the applicant and/or staff member intends to work or is working; certified copies of court orders and additional criminal records checks.

(d) License or Permit is Non-transferable. A License or Permit to operate a Child Care Learning Center is not transferable in any way. Each License and Permit shall be returned to the Department immediately upon the expiration, suspension, revocation, restriction of the License or Permit or closure or termination of the operation.

(e) Amended License. If there is a change in the name of the program or Center, changes in the ages of the children to be served, an increase in the regular hours of operation such that the Center would be providing evening or night-time care in addition to day-time care, changes in the services provided, additions to or changes in the use of the building by the licensed Center, an application for an amended License shall be submitted at least thirty (30) days prior to the change, except in the case of an emergency. If an emergency situation arises which makes it impossible to give thirty (30) days' notice, the management of the Center shall notify the Department by telephone and shall submit an application for an amended License as soon as management becomes aware of the change that will be

necessitated by the emergency situation. In no case, however, shall a new owner operate the ~~child care learning Center~~ without first securing a new ~~license~~ License or Permit from the Department.

(f) False or Misleading Information. The application for a ~~License~~ License or Permit, including the application for a criminal records check, must be truthfully and fully completed. In the event that the Department has reason to believe that the application has not been completed truthfully, it may require additional verification of the facts alleged. The Department may refuse to issue a ~~License~~ License or Permit where false statements have been made in connection with the application or any other documents required by the Department.

(g) E-mail Contact Information. Each ~~Center~~ issued or applying for a License or Permit ~~licensed~~ in the state of Georgia shall provide the Department e-mail contact information (“Contact Information”) so that this agency may contact the ~~Center~~ and send information to the ~~Center~~ via e-mail. It shall be the ~~Center’s~~ responsibility to maintain correct contact information, to update the Department if contact information changes, and to respond timely to information requests from the Department transmitted to the provided e-mail address. Delivery of any such information, including but not limited to directives, bulletins, data requests, notices of proposed amendments to rules and regulations, and any other matters affecting ~~Centers~~, to said e-mail address shall be considered valid so long as the Department does not receive a failure to deliver message.

~~1. All currently licensed centers shall supply the Department with an e-mail address by June 1, 2009 on forms provided by the Department. All applicants for licensure shall submit a valid e-mail address to the Department at the time of application on forms provided by the Department.~~

(h) Permit. The Department may issue a Permit for a program to operate without a License for a limited term in situations, such as but not limited to, a change of ownership.

1. An application for a Permit to operate a Child Care Learning Center shall be submitted to the Department on the forms provided by the Department.

2. A Permit Applicant or Permit Holder must provide evidence of a Satisfactory Records Check Determination for the Director and every Provisional Employee and Employee.

3. A Permit Applicant or Permit Holder may continue to employ an individual from the prior ownership, if applicable. During the Permitting process, such individual may be present at the Center while any child is present for care based on the prior Satisfactory Records Check

Determination so long as the satisfactory determination is no more than 60 months old and every Staff member that remains employed with the Center submits to a Fingerprint Records Check Determination within 21 calendar days of the issuance of the Permit.

4. The Permit Applicant or Permit Holder shall not allow any individual to reside at the Center or be present at the Center while any child is present for care if the Center knows or reasonably should know that the individual has a Criminal Record.

5. Each Employee must receive a Satisfactory Records Check Determination issued by the Department prior to issuance of a License.

6. A Permit Applicant or Permit Holder may hire Provisional Employees after applying for a Permit. Any such new Provisional Employee must receive a satisfactory Preliminary Records Check Determination by the Director before that individual can reside in the Center or be present at the Center while any Child is present for care.

7. A Permit Applicant or Permit Holder may hire Employees after applying for a Permit. Any such new Employee must submit to a Fingerprint Records Check Determination and receive a satisfactory Fingerprint Records Check Determination issued by the Department before that individual can reside in the Center or be present at the Center while any Child is present for care.

8. Issuance of a Permit. A Permit will be issued, upon presentation of evidence satisfactory to the Department that a Center is in compliance with applicable statutes and these rules. The Permit shall be valid for 21 calendar days unless voluntarily surrendered by the Holder or suspended or revoked by the Department.

9. Renewal of a Permit. A Permit may be renewed only if every resident and member of the Center's Staff has both submitted a Records Check Application to the Department and submitted to a fingerprint scan within 21 calendar days of the issuance of the initial Permit.

Authority O.C.G.A. Sec. 20-1A-1.

P. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.17 entitled “Hygiene” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.17 Hygiene

(1) Bathtubs and Showers. If used, bathtubs and showers shall be cleaned with a disinfectant after each use.

(2) Children's Hygiene. To the extent possible, ~~Personnel~~personnel shall keep children clean, dry and comfortable.

(3) Children's Personal Items. Children's combs, toothbrushes and cloth towels shall be kept clean.

(4) Contagious Diseases. Staff, or any other persons being supervised by the ~~Staff~~staff, shall not be allowed in the ~~Center~~center who knowingly have or present symptoms of a fever or diarrhea.

(5) Drinking Fountains and Cups. Drinking fountains, if available, shall be safe and kept clean, have regulated pressure, not be mounted on sinks used for diaper changing activities and have an angle jet with an orifice guard above the rim. Single-service drinking cups shall be provided when appropriate drinking fountains are not available, and cups shall be discarded after each use unless the cups are sanitized in a dishwasher between each use.

(6) Garbage. Garbage and organic waste shall be stored in containers that are lined with plastic liners and have tight-fitting covers. Trash and garbage shall be removed from the building daily or as often as necessary to maintain the premises in a clean condition.

(7) Handwashing, Children. Children's hands shall be washed with liquid soap and warm running water:

(a) Immediately upon arrival for care, when moving from one child care group to another, and upon re-entering the child care area after outside play;

(b) Before and after eating meals and snacks, handling or touching food, or playing in water;

(c) After toileting and diapering, playing in sand, touching animals or pets, and contact with bodily fluids such as, but not limited to, mucus, saliva, vomit or blood;

(d) After contamination by any other means; and

(e) Washcloth handwashing is permitted for infants when the infant is too heavy to hold for handwashing or cannot stand safely to wash hands at a sink and for children with special needs who are not capable of washing their own hands. An individual washcloth shall be used only once for each child before laundering.

(8) Handwashing, Staff. Personnel shall wash their hands with liquid soap and warm running water:

(a) Immediately upon arrival for the day, when moving from one child care group to another, and upon re-entering the child care area after outside play;

(b) Before and after diapering each child, dispensing medication, applying topical medications, ointments, creams or lotions, handling and preparing food, eating, drinking, preparing bottles, feeding each child, and assisting children with eating and drinking; and

(c) After toileting or assisting children with toileting, using tobacco products, handling garbage and organic waste, touching animals or pets, and handling bodily fluids, such as, but not limited to, mucus, saliva, vomit or blood; and

(d) After contamination by any other means.

(9) Laundry. If laundry is done on ~~Center~~center premises, the laundry area shall be located outside the children's activity rooms or areas and not used as a passageway by children to travel from one area to another whenever any soiled or clean laundry is exposed.

(10) Potty Chairs. If used, toilet potty chairs shall after each use be emptied by disposal in a flush toilet, cleaned with a disinfectant, and stored in the bathroom. If a sink is used, the sink shall also be disinfected.

(11) Soiled Containers and Items. Separate containers shall be used for storing soiled disposable items, such as disposable diapers, disposable washcloths and soiled nondisposable items such as cloth diapers, washcloths and bed linens. Such containers shall be waterproof or equipped with a leakproof disposable liner, covered, easily cleaned and maintained in such a manner so as the contents of the container are never accessible to the children.

(12) Wet Clothing. Children's wet or soiled clothing shall be stored in individual plastic bags immediately after being removed from the child.

Authority O.C.G.A Sec. 20-1A-1 et seq.

Q. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.18 entitled “Kitchen Operations” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.18 Kitchen Operations

(1) Food. Food shall be in sound condition, free from spoilage and contamination and safe for human consumption. Eggs, pork, pork products, poultry and fish shall be thoroughly cooked. All raw fruits and vegetables shall be washed thoroughly before being cooked or served. Foods not subject to further washing or cooking before serving shall be stored in such a manner as to be

protected against contamination. Meats, poultry, fish, dairy products and processed foods shall have been inspected under an official regulatory program. Hot foods shall be maintained at a temperature of one hundred forty (140) degrees Fahrenheit or above except during serving. Food and drinks shall be prepared as close to serving time as possible to protect children and ~~Personnel~~ personnel from foodborne illness.

(2) Food Preparation Areas. Each ~~Centereenter~~ Center shall have a designated space for food preparation separate from rooms used by children and in an area not used for diaper changing. The area shall be kept clean and free of accumulation of dust, dirt, food particles and grease deposits. Ventilation shall be provided either by mechanical or natural means so as to provide fresh air and control of unpleasant odors in the food preparation area. Food preparation surface areas shall be nonporous with no unsealed cracks or seams. Kitchen lights shall be shielded.

(3) Refrigeration. All perishable and potentially hazardous foods shall be refrigerated at a temperature of forty (40) degrees Fahrenheit or below and served promptly after cooking. Freezer temperature shall be maintained at zero (0) degrees Fahrenheit or below.

(4) Dishwashing. Non-disposable dishes, glasses and silverware shall be properly cleaned by pre-rinsing, or scraping, washing, sanitizing and air drying. A three (3) compartment sink or a dishwasher with a sani-cycle or capability of maintaining a rinse water temperature of a minimum of one hundred fifty (150) degrees Fahrenheit and a two (2) compartment sink shall be available. Dishes, glasses and silverware shall be rinsed in the approved dishwasher or rinsed in a chemical sanitizer and air dried.

(5) Storage Areas. Each ~~Centereenter~~ Center shall have a designated space for storage of food and kitchen items. The area shall be kept clean and free of accumulation of dust, dirt, food particles and grease deposits. Containers of food shall be stored above the floor on clean surfaces protected from splash and other contamination. Containers for food storage other than the original container or package in which the food was obtained shall be impervious and non-absorbent, have tight-fitting lids or covers and labeled as to contents. Cleaning materials shall be stored separately from food.

(6) Garbage. Garbage shall be stored in trash containers with lids. Containers shall be emptied and cleaned as needed. Acceptable facilities, including water and detergent or steam, shall be provided and used for cleaning containers. Areas around outside containers shall be kept clean.

(7) Hygiene. Kitchen ~~Staff~~staff shall wash their hands and arms thoroughly with liquid soap and warm running water before starting food service work and shall wash hands during work hours as often as may be necessary to remove soil and contamination as well as after visiting the toilet room.

(8) Exclusion of Children. Children shall not be permitted in the kitchen except as part of a planned, supervised learning experience.

Authority O.C.G.A. Sec. 20-1A-1 et seq.

R. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.19 entitled “License Capacity” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.19 License Capacity

(1) Usable Space Per Child. A ~~Center~~center's ~~License~~license capacity is based upon its size. A ~~Centereenter~~ must have thirty-five (35) square feet of usable space per child. Kitchens, bathrooms, closets, halls, storage areas or rooms, offices, rooms designated for ~~Staff~~staff use, other single use areas and space occupied by adult size furniture shall be excluded in determining usable space.

(2) Exception. Upon approval by the Department, a ~~Centereenter~~ may designate two (2) specific one (1) hour periods each day when only twenty-five (25) square feet of space per child is provided for children three (3) years of age and older in their assigned rooms or areas. This provision is intended to account for increased attendance for before-school and after-school care.

Authority O.C.G.A. Sec. 20-1A-1.

S. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.20 entitled “Medications” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.20 Medications

(1) Parental Authorization. Except for first aid or as authorized under Georgia law, ~~Personnel~~personnel shall not dispense prescription or non-prescription medications to a child without specific written authorization from the child's physician or parent. Such authorization will include when applicable, date; full name of the child; name of the medication; prescription

number, if any; dosage; the dates to be given; the time of day to be dispensed; and signature of parent.

(2) Dispensing Medication. Written authorization to dispense medications shall be limited to two (2) weeks unless otherwise prescribed by a physician or authorized under Georgia law.

Medication shall only be dispensed out of its original container which must be labeled with the child's name or as authorized under Georgia law.

(3) Dispensing Records. The ~~Centereenter~~ shall maintain a record of all medications dispensed to children by ~~Personnel~~ personnel to include the date, time and amount of medication that was administered; any noticeable adverse reactions to the medication; and the signature or initials of the person administering the medication.

(4) Storage. Medications shall be kept in a locked storage cabinet or container which is not accessible to the children and stored separate from cleaning chemicals, supplies or poisons. Medications requiring refrigeration shall be placed in a leakproof container in a refrigerator that is not accessible to the children.

(5) Unused Medication. Medicines which are no longer to be dispensed shall be returned to the child's ~~Parent(s)~~ parents immediately.

(6) Non-Emergency Injections. Non-emergency injections shall only be administered by appropriately licensed persons unless the ~~Parent~~ parent and physician of the child sign a written authorization for the child to self-administer the injection.

Authority O.C.G.A. Sec. 20-1A-1.

T. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.21 entitled “Operational Policies and Procedures” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.21 Operational Policies and Procedures

A ~~Centereenter~~ shall establish and implement written policies and procedures which shall be kept current and made available to the ~~Parent(s)~~ parents and used to govern the operations of the ~~Centereenter~~.

(1) The policies and procedures shall be consistent with applicable laws, regulations and these rules and shall include the following:

- (a) A description of services to be provided which specifies the ages of children to be served, days and times of operations and days and times that the Centereenter is closed;
- (b) A description of enrollment and admission requirements which specifies the Parents'~~parents'~~
~~or guardian's~~ responsibilities for supplying needed information to the Centereenter and escorting the child to and from the Centereenter;
- (c) A fee and payment schedule that specifies the standard fees, fees related to absences and vacations and other charges and fees such as transportation and late fees;
- (d) A description of the Center's~~center's~~ transportation and field trip services (see rule .36 about transportation requirements);
- (e) A description of handling administration of medication (see rule .20 about medications), and notifying Parent(s)~~parents or guardian~~ of noticeable adverse reactions to prescribed medications;
- (f) A description of parental ~~or guardian~~ notification in cases of illnesses and injury and exclusion of sick children (see rule .07 about children's health);
- (g) A description of parental ~~or guardian~~ notification when a notifiable communicable disease is present (see rule .07 about children's health);
- (h) A description of handling medical emergencies (see rule .07 about children's health);
- (i) A description of meals and snacks served, including guidelines for food brought from the child's home;
- (j) Permission for access by the child's Parent(s)~~parents or guardian~~ to all Centereenter areas used by the child (see rule .22 about parental access);
- (k) Child abuse reporting law requirements;
- (l) A description of behavior management and discipline actions used by the Centereenter;
- (m) Nondiscrimination statement;
- (n) Center-sponsored religious and cultural activities, if any;
- (o) If licensed for the care of an infant or toddler:
 - 1.~~(i)~~ Center's diapering procedures;
 - 2.~~(ii)~~ Center's toilet training procedures;
 - 3.~~(iii)~~ Center's feeding procedures;
- (p) A written plan for handling emergencies, including but not limited to severe weather, loss of electrical power or water and death, serious injury or loss of a child, which may occur at the Centereenter. Such plan shall include assurance that no Center Personnel~~center personnel~~ will

impede in any way the delivery of emergency care or services to a child by licensed or certified emergency health care professionals.

(q) A description of the safe sleep practices followed by the Center~~center~~ that includes the following information:

- 1.~~(i)~~ The initial placement of infants on their backs to sleep;
- 2.~~(ii)~~ No cover or other soft items in crib;
- 3.~~(iii)~~ Appropriate sleep clothing for infants to be provided by Parent~~parent or guardian~~;
- 4.~~(iv)~~ Individual crib, cot or mat and bedding provided and changing and cleaning practices for these items;
- 5.~~(v)~~ Infants who fall asleep in other equipment, on the floor or elsewhere will be moved to a crib to sleep; and
- 6.~~(vi)~~ No swaddling or positioning devices used.

(2) The Center~~center~~ shall have written documentation signed by the Parent(s)~~parents or guardian~~ in each child's file that the Director~~director~~ or designee has:

- (a) Provided to the Parent(s)~~parents or guardian~~ a copy of the Center~~center~~'s policies and procedures required by this rule;
 - (b) Advised the Parent(s)~~parent or guardian~~ of the safe sleep practices followed by the Center~~center~~;
 - (c) Advised the Parent(s)~~parents or guardian~~ of the child's progress, issues relating to the child's care and individual practices concerning the child's special needs;
 - (d) Encouraged parents' or guardian participation by Parent(s) in Center~~center~~ activities.
- (3) The Center~~center~~ shall conduct drills for fire, tornado and other emergency situations. The fire drills will be conducted monthly and tornado and other emergency situation drills will be conducted every six months. The Center~~center~~ shall maintain documentation of the dates and times of these drills for two years.
- (4) The Center~~center~~ shall provide the Parent(s)~~parents or guardian~~ with a copy of the Center~~center~~'s policies and procedures as required by this rule.

Authority: O.C.G.A. § 20-1A-1.

U. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.22 entitled "*Parental Access*" in its *Rules and*

Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.22 Parental Access

The custodial parent(s) of the child shall at any time the child is in attendance be permitted access to all child care areas of the Centereenter and shall make his or her presence known to Centereenter Staffstaff prior to removing the child from the Centereenter.

Authority O.C.G.A. Sec. 20-1A-1.

V. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.23 entitled “Parental Authorizations” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.23 Parental Authorizations

A Centereenter must obtain the following ~~parental~~ authorizations from Parent(s) when a child is enrolled.

- (a) Authorization for the Centereenter to obtain emergency medical care for the child when the ~~parent~~ Parent is not available;
- (b) Authorization for the Centereenter to dispense medication (~~see rule .20 for details about dispensing medication~~);
- (c) Authorization for the child to participate in field trips and special activities away from the Centereenter (~~see rule .13 for details about field trips~~);
- (d) Authorization for the child to participate in water-related activities occurring in water that is more than two (2) feet deep if the Centereenter participates in such activities (~~see rule .35 for details about water-related activities~~);
- (e) Authorization for the Centereenter to provide routine transportation for the child to or from school, home or Centereenter (~~see rule .36 for details about transportation~~);
- (f) Authorization for persons other than Parents~~parents~~ to pick up or drop off their child, including the names of such persons.

Authority O.C.G.A. Sec. 20-1A-1.

W. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.25 entitled “Physical Plant” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.25 Physical Plant

- (1) Ceilings. Ceilings shall be at least seven (7) feet in height.
- (2) Changing Areas. For evening and night-time care, separate changing areas shall be provided for children of the opposite sex eight (8) years of age and older.
- (3) Cleanliness. The ~~Centereenter~~ and surrounding premises shall be kept clean, free of debris and in good repair. Hygienic measures such as, but not limited to, screened windows and proper waste disposal procedures shall be utilized to minimize the presence of rodents, flies, roaches and other vermin at the Center.
- (4) Climate Control. A ~~Centereenter~~ shall be maintained at a temperature range of sixty-five (65) degrees Fahrenheit to eighty-five (85) degrees Fahrenheit depending upon the season and ventilated either by mechanical or natural means to provide fresh air and control unpleasant odors. Facilities which do not have a functioning central heating and air conditioning system shall make fifty percent (50%) of all required windows operable for ventilation. Any openings used for ventilation shall be screened.
- (5) Construction and Renovation. A person planning the construction of a new ~~Centereenter~~ or planning any structural changes to an existing ~~Centereenter~~ shall obtain approval from the Department local zoning authorities, fire safety agencies and local building authorities. Construction and maintenance work shall take place only in areas that are not accessible to the children.
- (6) Cubbies — Individual Storage Space. Each child's personal items shall be kept in individually labeled cubbies, lockers or racks separated from articles used by other children. The spaces shall be accessible to the children to whom they are assigned.
- (7) Doors and Locks. Doors to rooms not approved for child care, other than the kitchen doors, shall be latched or locked so children cannot wander into those areas. Except in School-age Centers ~~school-age centers~~, interior ~~Centereenter~~ door locks shall permit Personnel ~~personnel~~ to open the locked room from outside of the room in an emergency.

(8) Electrical Outlets. Except in School-age Centers~~school-age centers~~, all unused electrical outlets within reach of children shall have protective caps specifically designed to prohibit children from placing anything in the receptacle. Electrical outlets in use which the children can reach shall be made inaccessible to the children.

(9) Exclusion from Premises. The Centereenter shall not allow any person to remain on the Centereenter premises if the person does not have a legitimate reason for being on the premises.

(10) Fire Safety. A Centereenter must be in compliance with applicable laws and regulations issued by the state fire marshal, the proper local fire marshal or state inspector, including a certificate of occupancy if required prior to receiving any children for care.

(11) Flooring. Floor coverings shall be tight, smooth, free of odors and washable or cleanable.

(12) Heating and Cooling Equipment. Heating and cooling equipment shall be protected to prevent children from touching it. Fans, space heaters, etc. shall be positioned or installed so as to be inaccessible to the children.

(13) Indoor Storage Areas. Potentially hazardous equipment, materials and supplies shall be stored in a locked area inaccessible to children. Examples of items to be stored include non-food related products under pressure in aerosol dispensing cans, flammable and corrosive materials, cleaning supplies, poisons, insecticides, office supplies and industrial-sized or commercial buckets with a capacity of three gallons or more or any other similar device with rigid sides which would not tip over if a toddler fell into the container head first.

(14) Lighting. A Centereenter shall be lighted with a minimum of twenty-five (25) foot candles of illumination except during scheduled nap or rest periods. Areas used for napping shall be lit dimly. A Centereenter shall provide outside lighting at entrances and exits used by children when the Centereenter provides evening or night-time care.

(15) Outside Storage Area. Any outside storage or equipment area shall be locked or separated from the children by a barrier or be enclosed and shall not be accessible to the children.

(16) Parking. Sufficient parking areas shall be provided to permit safe discharge and pick up of children.

(17) Plants and Shrubs. The Centereenter premises shall be free of plants and shrubs which are poisonous or hazardous.

(18) Telephone. An operable telephone shall be readily available in the Centereenter and the following emergency telephone numbers must be posted in a conspicuous place next to the

telephone: physician or hospital; county health department; regional poison control ~~Center~~~~center~~; all emergency numbers or numbers of local ambulance service, fire and police departments.

(19) Unapproved Areas. The following areas shall not be used as activity areas for the children: basement area in excess of twenty-five linear feet from a window; rooms with floor levels lower than three (3) feet or more below ground level on all sides; and any area unapproved for use by authorities having jurisdiction.

(20) Water and Sewage. All water sources, if other than an approved city or county system, shall be approved by the proper authority having jurisdiction. All sewage disposal systems, if other than an approved city or county system, shall be approved by the local county health department and specify the number of persons the system is approved to serve.

(21) Windows. All floor level windows or full-length glass doors shall be constructed of safety glass with decals applied at the eye level of the children or such windows or doors shall have protective devices covering the glass designed to prevent the children from getting cut by the glass should it break for any reason. Except in School-age Centers~~school-age centers~~, child care rooms shall have outside windows which receive natural sunlight and equal not less than five percent (5%) of the floor area in each room, unless central heating and air conditioning are provided.

Authority O.C.G.A. Sec. 20-1A-1 et seq.

X. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.26 entitled “Playgrounds” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.26 Playgrounds

(1) Size.

(a) For ~~Center~~centers with a licensed capacity of 19 or more children first licensed after March 1, 1991, the ~~Center~~center shall provide or have ready access to an outdoor play area. The minimum size of the outdoor area must be equal to one hundred (100) square feet times one-third (1/3) of the ~~Center~~center's licensed capacity for children.

(b) For Centers with a licensed capacity of 18 or fewer children first licensed after April 21, 1991, the Center shall provide or have ready access to an outdoor play area. The minimum size

of the outdoor area must be equal to one hundred (100) square feet times the center's licensed capacity for children.

(2) Playground Occupancy. At least one hundred (100) square feet shall be available for each child occupying the outside play area at any one time. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times.

(3) Location. Playgrounds shall be adjacent to the Centereenter or in an area which can be reached by a safe route or method approved by the Department. Except in School-age Centers ~~school-age centers~~, the playground shall have shaded areas.

(4) Fence or Approved Barriers. Playgrounds shall be protected from traffic or other hazards by a four (4) foot or higher secure fence or other barrier approved by this Department. Fencing material shall not present a hazard to children and shall be maintained so as to prevent children from leaving the playground area by any means other than through an approved access route. Fence gates shall be kept closed except when persons are entering or exiting the area.

(5) Playground Surfaces. Except in School-age Centers ~~school-age centers~~, the playground shall have a surface suitable for varied activities. Hard surfaces, such as gravel, concrete, or paving shall not exceed one-fourth (1/4) of the total playground area.

(6) Equipment. Playground equipment shall provide an opportunity for the children to engage in a variety of experiences and shall be age-appropriate. For example, toddlers shall not be permitted to swing in swings designed for School-age Children ~~school-age children~~. The outdoor equipment shall be free of lead-based paint, sharp corners and shall be regularly maintained in such a way as to be free of rust and splinters that could pose significant safety hazard to the children. All equipment shall be arranged so as not to obstruct supervision of children.

(7) Anchoring of Certain Equipment and Fall Zones. Climbing and swinging equipment shall be anchored and have a resilient surface beneath the equipment. The fall-zone from such equipment must be adequately maintained by the Centereenter to assure continuing resiliency.

(8) Safety and Upkeep of Playground. Playgrounds shall be kept clean, free from litter and free of hazards, such as but not limited to non-resilient surfaces under the fall-zone of play equipment, rocks, exposed tree roots and exposed sharp edges of concrete or equipment.

Authority O.C.G.A. Sec. 20-1A-1.

Y. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.27 entitled “*Posted Notices*” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.27 Posted Notices

Each ~~Centereenter~~ shall post in a designated area for public viewing near the front entrance the following:

- (a) The ~~Center’s~~ ~~center~~ current ~~License~~~~license~~ or Permit;
- (b) A copy of these rules;
- (c) A notice provided by the Department which advises ~~Parents~~~~parents~~ of their right to review a copy of the ~~Center’s~~ ~~center’s~~ most recent licensure evaluation report upon request to the ~~Centereenter~~ ~~Director~~~~director~~. The ~~Centereenter~~ shall provide any ~~parent~~ Parent with a copy of this evaluation report upon request.
- (d) A copy of the current communicable disease chart;
- (e) A statement allowing ~~parental~~Parent(s)’ access to all child care areas upon notifying any staff member of his or her presence;
- (f) Names of persons responsible for the administration of the ~~Centereenter~~ in the administrator’s absence;
- (g) The current week’s menu for meals and snacks;
- (h) Emergency plans for severe weather and fire;
- (i) A statement requiring visitors to check in with ~~Staff~~~~staff~~ when entering the ~~Centereenter~~;
- (j) No smoking signs.

Authority O.C.G.A. Sec. 20-1A-1 et seq.

Z. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.28 entitled “*Prohibited Substances*” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.28 Prohibited Substances

- (1) Alcohol and Illegal Drugs. Staff, ~~chaperones~~~~chaperons~~ and ~~Students-in-Training~~~~students in training~~ shall not be under the influence of or consume alcohol, marijuana or other controlled

substances on the ~~Center~~ premises during the hours of operation or at any other time or place where there are children present for whom the ~~Center Staff~~ is responsible.

(2) No Smoking. Smoking is prohibited on the premises of a ~~Center~~ during the hours of operation, and no smoking signs must be posted. Smoking is also prohibited in any vehicle used to transport children during the hours that the ~~Center~~ is in operation.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

AA. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.29 entitled “Required Reporting” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.29 Required Reporting

(1) The ~~Director~~ or designated person-in-charge shall report or cause to be reported the following:

(a) Child Abuse, Neglect or Deprivation. Suspected incidents of child abuse, neglect or deprivation shall be reported to the local County Department of Family and Children Services in accordance with state law.

(b) Communicable Diseases. Any cases or suspected cases of notifiable communicable diseases shall be reported to the local County Health Department as required by the rules of the Department of Human Resources regarding Notification of Disease, Chapter 290-5-3.

(c) Incident Reports. The following incidents must be reported to the Department within twenty-four (24) hours or the next work day:

1. Any death of a child while in the care of the ~~Center~~;
2. Any serious illness or injury requiring hospitalization or professional medical attention other than first aid of a child while in the care of the ~~Center~~;
3. Any situation when a child in care becomes missing, such as, but not limited to, a child who is left on a vehicle, a child who leaves the building, playground, or property, or a child who is left behind on any trip;
4. Any fire;
5. Any structural disaster;
6. Any emergency situation that requires temporarily relocating children.

(d) Criminal Record. The name of any ~~Personnel, Employee or Provisional Employee~~employee who acquires a Criminal Record ~~criminal record~~ as defined in these rules, if the ~~Director~~director knows, or reasonably should know, of the ~~individual's~~employee's arrest or change in the Criminal Record ~~criminal record~~, shall be reported to the Department.

(2) Annual Reports. The Department may request an annual report from an administrator of a ~~Center~~center. If such a request is made, the administrator shall have up to thirty (30) days to submit the annual report to the Department.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

BB. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.30 entitled “Safe Sleeping and Resting Requirements” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.30 Safe Sleeping and Resting Requirements

(1) Sleeping and Resting Equipment.

(a) Cribs. A crib that is safety approved in compliance with Consumer Product Safety Commission (CPSC) and American Society of Testing and Materials International (ASTM) safety standards shall be provided for each infant. (“Infant” refers to any child under the age of twelve (12) months or any child who is under eighteen (18) months of age who is not walking.)

1. Crib Construction. Cribs shall be in good repair and free of hazards. Stack cribs and cribs with drop sides shall not be used.

2. Crib Mattress. A mattress shall be provided for each crib and shall be firm, tight-fitting without gaps, at least two inches (2") thick and covered with waterproof, washable material. Before a change of occupant, each mattress shall be cleaned with a disinfectant.

3. Crib Sheet. Each crib shall have only an individual, tight-fitting sheet which is changed daily or more often as needed and prior to a change of occupant.

(b) Cots and Mats. Cots and mats shall be provided for each child who is two (2) years of age or older and who is required to take a nap and for each child under the age of two years who can climb out of a crib.

1. Cot and Mat Construction. Cots and mats shall be of sound construction and of sufficient size to accommodate comfortably the size and weight of the child. Mats must be in good repair, washable, covered with waterproof material and at least two inches (2") thick.

2. Individual Use. Cots and mats must be used by the same child daily and marked for individual use.

3. Sheets. Sheets or similar coverings for cots or mats shall either be marked for individual use or laundered daily. If marked for individual use, they must be laundered weekly or more frequently if needed.

4. Covers. A light cover shall be available for each child's use on a cot or mat and shall be marked for individual use or laundered daily. If marked for individual use, they must be laundered weekly or more frequently if needed.

(d) Pillows. Pillows shall not be used by children under two (2) years of age. When used for children two years of age or older, pillows shall be assigned for individual use and covered with pillow cases that are marked for individual use or covered with cases that are laundered daily. Pillow cases that are marked for individual use shall be laundered weekly or more frequently as needed.

(e) Arrangement of Sleeping and Resting Equipment. All sleeping and resting equipment shall be arranged to avoid obstructing access to exit doors, to provide the caregivers access to each child, and to prevent children's access to cords hanging from window treatments and other hazardous objects. To reduce the transfer of airborne diseases, sleeping and resting equipment shall be arranged as follows. There shall be a minimum of twenty-four inch (24") corridor between each row of sleeping or resting equipment. There shall be a minimum of twelve inches (12") between each piece of sleeping or resting equipment in each row of equipment. Children shall be placed on cots and mats so that one child's head is toward another child's feet in the same row.

(2) Sleeping and Resting Environment. A ~~Center~~center shall provide a safe sleep environment in accordance with American Academy of Pediatrics (AAP), Consumer Product Safety Commission (CPSC) and American Society for Testing and Materials (ASTM) recommendations as listed in (a) through (h) below for all infants.

(a) Center ~~Staff~~staff shall place an infant to sleep on the infant's back in a crib unless the ~~Center~~center has been provided a physician's written statement authorizing another sleep position for that particular infant that includes how the infant shall be placed to sleep and a time frame that the instructions are to be followed.

(b) Center ~~Staff~~staff shall not place objects or allow objects to be placed in or on the crib with an infant such as but not limited to toys, pillows, quilts, comforters, bumper pads, sheepskins, stuffed toys, or other soft items.

(c) Center ~~Staff~~staff shall not attach objects or allow objects to be attached to a crib with a sleeping infant, such as, but not limited to, crib gyms, toys, mirrors and mobiles.

(d) Sleepers, sleep sacks and wearable blankets that fit according to the commercial manufacturer's guidelines and will not slide up around the infant's face may be used when necessary for the comfort of the sleeping infant. Swaddling shall not be used unless the ~~Center~~center has been provided a physician's written statement authorizing its use for a particular infant that includes instructions and a time frame for swaddling the infant.

(e) Center shall maintain the infant's sleeping area to be comfortable for a lightly clothed adult within a temperature range of sixty-five (65) to eighty-five (85) degrees depending upon the season. There shall be lighting adequate to see each sleeping infant's face to view the color of the infant's skin and check on the infant's breathing.

(f) When an infant can easily turn over from back to front and back again, ~~Center Staff~~center staff shall continue to put the infant to sleep initially on the infant's back but allow the infant to roll over into his or her preferred position and not re-position the infant.

(g) Wedges, other infant positioning devices and monitors shall not be used unless the ~~Parentparent or guardian~~ provides a physician's written statement authorizing its use that includes how to use the device and a time frame for using the device is provided for that particular infant.

(h) Infants shall not sleep in equipment other than safety-approved cribs, such as, but not limited to, a car safety seat, bouncy seat, highchair, or swing. Infants who arrive at the ~~Center~~center asleep or fall asleep in such equipment, on the floor or elsewhere, shall be transferred to a safety-approved crib.

(3) Night-time Care. For ~~Center~~centers that offer night-time care, each child, except infants who require individual cribs, shall be provided an individual bed with a four inch (4") mattress or a cot with a two inch (2") pad. Such equipment shall be arranged so that the children's sleep will not be unnecessarily interrupted by delivery and pick up of other children.

(4) Storage. If cots and mats are stored in the children's activity room or area, they shall be stored to prevent children's access to them and to allow maximum use of play space. When storage is

available and used for the storage of cots and mats that allows the cots, mats and any bedding to be stored without touching any other cots, mats or bedding, the bedding may be left on the cot or mat. When such storage is not available for the cots and mats, each child's bedding shall be kept separate from other children's bedding and stored in containers marked for individual use, such as, but not limited to, bins, cubbies, or bags.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

CC. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.31 entitled "Staff" in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.31 Staff

(1) Director.

(a) A Center must have a Director who is responsible for the supervision, operation and maintenance of the Center. The Director must be on the Center's premises. If the Director is absent from the Center at any time during the hours of the Center's operation, there shall be an officially designated person on the Center site to assume responsibility for the operation of the Center, and this person shall have full access to all records required to be maintained under these rules.

(b) Qualifications of Director. The Director must meet the minimum qualifications listed below. ~~(Note: The educational and qualifying child care experience requirements contained in 591-1-1-.31(1)(c)2.(i) through (v) will remain in effect through November 30, 2012. These requirements will change effective December 1, 2012, and the new educational and qualifying experience requirements for Directors are listed in 591-1-1-.31(1)(b)3.(i) through (xiii) below.):~~

1. Be at least twenty-one (21) years of age;
2. Possess at least one of the following sets of minimum academic requirements and qualifying child care experience at the time of employment:
 - (i) High school diploma or general education diploma (G.E.D.) and one (1) year of qualifying child care experience;
 - (ii) Child Development Associate (CDA) credential; Child Development and Related Care certificate from a nationally accredited institution; or similar credential where the course of study is approved by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study

~~includes an intensive practicum in child care as part of the curriculum and which is approved by the Department;~~

~~(iii) Associate's degree in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;~~

~~(iv) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;~~

~~(v) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development.~~

~~3. Effective December 1, 2012, the educational and qualifying child care experience~~

~~requirements for Directors listed in 591-1-1-.31(1)(b)2.(i) through (v) above, will no longer be valid. Effective December 1, 2012, and thereafter, all Directors must possess~~

2. Possess at least one of the following sets of minimum academic requirements and qualifying child care experience at the time of employment:

(i) Child Development Associate (CDA) credential issued by the Council for Professional Recognition; Child Development and Related Care diploma from a vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the Department; and six (6) months of qualifying child care experience;

(ii) Technical Certificate of Credit (TCC) in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(iii) Technical Certificate of Credit (TCC) in Infant and Toddler and six (6) months of qualifying child care experience;

(iv) Technical Certificate of Credit (TCC) in Program Administration and six (6) months of qualifying child care experience;

(v) Technical Certificate of Credit (TCC) in School Age and Youth Care and six (6) months of qualifying child care experience;

(vi) Technical College Diploma (TCD) in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(vii) Forty-hour (40) director training course approved by the Department and has been employed for a minimum of five (5) years as an on-site Child Care Learning Center Director or as an on-site Group Day Care Home Director;

(viii) Associate's degree in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(ix) Paraprofessional Certificate issued by the Georgia Professional Standards Commission and six (6) months of qualifying child care experience;

(x) Twenty-five (25) quarter hours or fifteen (15) semester hours from an accredited college or university in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(xi) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;

(xii) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development;

(xiii) Master's degree from an accredited college or university in Early Childhood Education or Child Development;

4 3. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children as defined in these rules;

5 4. Participate in the orientation and training required by these rules;

6 5. Must be able ~~Not be suffering from any physical handicap or mental health disorder that would interfere with the applicant's ability~~ to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;

7 6. Never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the Director or Staff shall provide this statement to the Department;

- 8 7. Have a Satisfactory Records Check Determination as defined in these rules; and
9 8. Not have made any material false statements concerning qualifications requirements
either to the Department or to the proposed or current License Holder, Permit Holder, licensee or
commission holder.

(c) Required Records. ~~Effective December 1, 2012, a~~ A copy and/or written verification of the credential or degree awarded to the Director ~~by the technical college, university, school or Department approved trainer listed in 591-1-1-.31(1)(b)32.~~(i) through (xiii) shall be maintained by the Center in the Director's file-, and such documentation shall be available for inspection and provided to Department staff upon request.

(2) Teacher/Lead Caregiver.

(a) A Center with a licensed capacity of 19 or more children must have a designated teacher/lead caregiver for each group of children.

(b) Qualifications of Teacher/Lead Caregiver. The teacher/lead caregiver must meet the minimum qualifications listed below. ~~(Note: The educational and qualifying child care experience requirements contained in 591-1-1-.31(2)(b)2. will remain in effect through November 30, 2012. These requirements will change effective December 1, 2012, and the new educational and qualifying child care experience requirements for teachers/lead caregivers are listed in 591-1-1-.31(2)(b)3.(i) through (xii) of the rules.)~~

1. Be at least eighteen (18) years of age;
2. ~~Have either a high school diploma or a general education diploma (G.E.D.) or one (1) year of qualifying child care experience if hired after the effective date of these rules;~~
3. ~~Effective December 1, 2012, the qualifications listed in 591-1-1-.31(2)(b)2. above will no longer be valid. Effective December 1, 2012, and thereafter, all teachers/lead caregivers must~~ possess Possess at least one of the following sets of minimum academic requirements and qualifying experience at the time of employment:

(i) Child Development Associate (CDA) credential issued by the Council for Professional Recognition; Child Development and Related Care diploma from a vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the Department;

(ii) Technical Certificate of Credit (TCC) in Early Childhood Education or Child

Development;

- (iii) Technical Certificate of Credit (TCC) in Infant and Toddler;
- (iv) Technical Certificate of Credit (TCC) in Program Administration;
- (v) Technical Certificate of Credit (TCC) in School Age and Youth Care;
- (vi) Technical College Diploma (TCD) in Early Childhood Education or Child

Development;

(vii) Associate's degree in Early Childhood Education or Child Development (AA, AAS, AAT);

(viii) Paraprofessional Certificate issued by the Georgia Professional Standards

Commission;

(ix) Twenty-five (25) quarter hours or fifteen (15) semester hours from an accredited college or university in Early Childhood Education or Child Development;

(x) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;

(xi) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development;

(xii) Master's degree from an accredited college or university in Early Childhood Education or Child Development.

3. If the newly hired lead teacher does not possess one of the educational and qualifying child care experience requirements listed in 591-1-1-.31(2)(b)2.(i) through (xii), the Center may hire this individual as lead teacher if the following requirements are met:

(i) The lead teacher enrolls in a program of study to obtain one of the educational credentials and qualifying experience requirements listed in 591-1-1-.31(2)(b)2.(i) through (xii), within six (6) months after becoming employed at the Center and completes the credential or degree within eighteen (18) months after enrollment;

(ii) The Center prepares a written plan outlining the newly hired lead teacher's professional development in obtaining one of the credentials or degrees listed in 591-1-1-.31(2)(b)2.(i) through (xii). Such plan must include the following information:

(I) Individual's identifying information (name, address and telephone numbers);

(II) Technical college, university or school where enrolled (name, address and telephone number) or Department-approved trainer providing credential coursework (name, address and telephone number);

(III) Credential or degree individual is seeking;

(IV) Content area of credential or degree;

(V) Anticipated date for completion of credential or degree;

(VI) Names and numbers of courses to be completed during the current year and ongoing updates of the names and numbers of courses to be completed for the following year(s);

(VII) Documentation of course work successfully completed throughout process (i.e., completion of quarter, semester or component of course work); and

(VIII) A copy of the credential or degree awarded by the technical college, university, school or Department-approved trainer for specified credential upon completion.

(iii) This professional development plan must be maintained in the lead teacher's file, and such plan shall be available for inspection and provided to Department staff upon request.

4. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if the caregiver is to be counted as part of the fifty percent (50%) of the child care ~~Staff~~staff with the required current evidence of CPR and first aid training;

5. Participate in the orientation and training required by these rules;

6. ~~Must be able. Not be suffering from any physical handicap or mental health disorder that will interfere with the applicant's ability~~ to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;

7. Never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the teacher/lead caregiver or ~~Staff~~staff shall provide this statement to the Department.

8. Have a Satisfactory Records Check Determination as defined in these rules; and

9. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current License Holder, Permit Holder licensee or commission holder.

(c) Required Records. ~~Effective December 1, 2012, a~~ A copy and/or written verification of the credential or degree awarded to the lead teacher ~~by the technical college, university, school or Department approved trainer listed in 591-1-1-.31(2)(b)32.~~(i) through (xii) shall be maintained by the Center in the lead teacher's file, and such documentation shall be available for inspection and provided to Department staff upon request.

~~(3) Qualifications of Teacher/Lead Caregiver Hired After November 30, 2012.~~

~~(a) The teacher/lead caregiver must meet the minimum qualifications, educational and qualifying child care experience requirements contained in 591-1-1-.31(2)(b)1. through 9.~~

~~(b) If the newly hired lead teacher does not possess one of the educational and qualifying child care experience requirements listed in 591-1-1-.31(2)(b)3.(i) through (xii), the Center may hire this individual as lead teacher if the following requirements are met:~~

~~1. The lead teacher enrolls in a program of study to obtain one of the educational credentials and qualifying experience requirements listed in 591-1-1-.31(2)(b)3.(i) through (xii), within six (6) months after becoming employed at the Center and completes the credential or degree within eighteen (18) months after enrollment;~~

~~2. The Center prepares a written plan outlining the newly hired lead teacher's professional development in obtaining one of the credentials or degrees listed in 591-1-1-.31(2)(b)3.(i) through (xii). Such plan must include the following information:~~

~~(i) Individual's identifying information (name, address and telephone numbers);~~

~~(ii) Technical college, university or school where enrolled (name, address and telephone number) or Department approved trainer providing credential coursework (name, address and telephone number);~~

~~(iii) Credential or degree individual is seeking;~~

~~(iv) Content area of credential or degree;~~

~~(v) Anticipated date for completion of credential or degree;~~

~~(vi) Names and numbers of courses to be completed during the current year and ongoing updates of the names and numbers of courses to be completed for the following year(s);~~

~~(vii) Documentation of course work successfully completed throughout process (i.e., completion of quarter, semester or component of course work); and~~

~~(viii) A copy of the credential or degree awarded by the technical college, university, school or Department approved trainer for specified credential upon completion.~~

~~3. This professional development plan must be maintained in the lead teacher's file, and such plan shall be available for inspection and provided to Department staff upon request.~~

(3)(4) Caregivers/Aides for a Center with Licensed Capacity of Nineteen (19) or More Children.

(a) A Center with a licensed capacity of nineteen (19) or more children may employ caregivers/aides to assist the teacher/lead caregiver in the care of children in any group within the Center. No caregiver/aide who is 16 or 17 years of age shall be solely responsible for children.

(b) Qualifications of Caregivers/Aides for a Center with Licensed Capacity of Nineteen (19) or More Children.

1. Be at least sixteen (16) years of age;

2. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if the caregiver is to be counted as part of the fifty percent (50%) of the child care ~~Staff~~staff with the required current evidence of CPR and first aid training;

3. Participate in the orientation and training required by these rules;

4. Must be able ~~Not be suffering from any physical handicap, mental health or other condition~~ that would interfere with the applicant's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;

5. Never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the caregiver/aide or ~~Staff~~staff shall provide this statement to the Department.

6. Have a Satisfactory Records Check Determination if seventeen (17) years of age or older; and

7. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current License Holder, Permit Holder~~licensee~~ or commission holder.

(4)(5) Caregivers/Aides for a Center with Licensed Capacity of Eighteen (18) or Fewer Children.

(a) A Center with a licensed capacity of eighteen (18) or fewer children may employ caregivers/aides to assist the Director in the care of children in any group within the Center.

(b) Qualifications of Caregivers/Aides for a Center with Licensed Capacity of Eighteen (18) or Fewer Children.

1. Be at least eighteen (18) years of age;
2. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if no other full-time staff member is present on the premises with the required training;
3. Participate in the orientation and training required by these rules;
4. Must be able to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;
5. Never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the caregiver/aide or Staff shall provide this statement to the Department;
6. Have a Satisfactory Records Check Determination if seventeen (17) years of age or older;
7. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current License Holder, Permit Holder or commission holder; and
8. Have either a high school diploma or general education diploma (GED) or three (3) months qualifying child care experience as determined by the Department.

(5) Provisional Employees. The Center may hire Provisional Employees. All Provisional Employees:

- (a) Must be at least seventeen (17) years of age;
- (b) Must be informed of the rules for Child Care Learning Centers and the Center's policies and procedures for the age group for which they will be providing care;
- (c) Must be informed of the Center's policies and procedures necessary to the proper performance of their job duties in compliance with the rules for Child Care Learning Centers;
- (d) Must have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if the caregiver is to be counted as part of the fifty percent (50%) of the child care Staffstaff with the required current evidence of CPR and first aid training;
- (e) Must participate in the orientation and training required by these rules;
- (f) Must be able ~~must be able to be suffering from any physical handicap or mental health disorder that would interfere with the applicant's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;~~
- (g) Must never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the Provisional Employee shall provide this statement to the Department;
- (h) Must have a satisfactory Preliminary Criminal Records Check Determination as determined by the Center based on Georgia Crime Information Center (GCIC) information ~~(such as that found on a RAP Sheet)~~ obtained only from local law enforcement that was issued by the law enforcement agency within the immediate preceding 10 days of the hire date on file;
- (i) Must not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current License Holderlicensee or commission holder;

(j) May be hired for one period of provisional employment for up to 21 consecutive calendar days. This 21 day provisional employment period may be extended until the Department issues a Records Check Determination only if the individual:

1. Submitted for a Fingerprint Records Check Determination by the Department within the 21 calendar days of provisional employment; and

2. Submitted a Fingerprint Records Check Application to the Department within the 21 calendar days of provisional employment; and

3. If the potential Employee is a Student-in-Training, evidence of current enrollment in an early education curriculum through a high school recognized by the Department of Education or an accredited school of higher education; and

(k) May be hired as a permanent Employee by the Center only if the individual receives a satisfactory Fingerprint Records Check Determination by the Department and meets all other qualification requirements in these rules.

(6) Independent Contractors. A Center may have an independent contractor to offer consistent supplemental educational or physical activities for children in care.

(a) Such an independent contractor is an Employee of the Center for the purpose of these rules and must have a satisfactory Fingerprint Records Check Determination.

(b) Such an independent contractor is exempted from annual training and first-aid/CPR training requirements.

(c) Any independent contractor that does not offer consistent supplemental educational or physical activities for any child in care cannot be solely responsible for any child other than their own and must be under continuous direct supervision of a Director, Employee or Provisional Employee while in the presence of children other than their own.

(7) Parents. The Center may have Parents occasionally assist in a classroom, ~~chaperone~~ or accompany a group of children from the Center on a field trip.

(a) A Parent that is this type of occasional assistant is not required to obtain a criminal records check determination; however, an Employee that is also a ~~Parent~~parent of a child in care at the Center is considered an Employee for purposes of these rules and must have a satisfactory Fingerprint Records Check Determination.

(b) No Parent shall be solely responsible for children other than their own and must be under continuous direct supervision of a Center Employee while in the presence of children in care other than their own.

(8) Volunteers. The Center may have volunteers other than Parents help in a classroom, ~~chaperone~~ or accompany a group of children from the Center on a field trip.

(a) Volunteers age seventeen (17) and older that provide consistent services must have a satisfactory Fingerprint Records Check Determination.

(b) No volunteer shall be solely responsible for children other than their own and must be under continuous direct supervision of a Center Employee while in the presence of children other than their own.

(c) Such volunteer is exempted from annual training and first-aid/CPR training requirements.

(9) Students-in-Training. The Center may have Students-in-Training at the Center.

(a) Students-in-Training age 17 and older must have a satisfactory Fingerprint Records Check Determination.

(b) No Student-In-Training shall be solely responsible for children other than their own and must be under continuous direct supervision of a Center Employee while in the presence of children in care other than their own.

(c) Such Students-in-Training are exempted from annual training and first-aid/CPR training requirements.

(10) Staff for School-Age ~~Centers~~ Programs.

(a) ~~Effective December 1, 2012, after~~ After-school programs serving children ages five (5) years and older (school-age) that routinely operate a maximum of four (4) hours per day, Monday through Friday, whether the ~~School-age Centers~~ school-age program is the only licensed program at that location or operates a full day Child Care Learning Center, shall comply with the following:

(b) A ~~School-age Centers~~ school-age program must have at least one lead teacher/caregiver who is responsible for:

1. Day-to-day programming and
2. Supervision of the assistant caregivers/aides assigned to each classroom or group of School-age Children ~~school-age children~~.

(c) If there is only one lead teacher/caregiver and more than one classroom or group of ~~School-age Children~~~~school-age children~~, the ~~Director~~director of the ~~School-age Center~~~~school-age program~~ shall assign an assistant caregiver/aide who is at least 18 years of age to each classroom or group of children.

(d) If there is a lead teacher/caregiver assigned to each classroom or group of children, the assistant caregiver/aide may be 16 or 17 years of age.

(11) Clerical, Housekeeping, Maintenance and Other Support Staff. The Center shall have qualified and sufficient direct-care, clerical, housekeeping, maintenance and other support staff to ensure full compliance with these rules without neglecting the supervision of the children.

(a) Other Staff That May Have Direct Contact With Children in Care. A Center may have additional staff at the Center. Any staff member that has any personal contact with any child in care must:

1. Have a Satisfactory Records Check Determination as defined in these rules; and
2. May be exempted from annual training and first-aid/CPR training requirements.

(b) Other Staff That Must Not Have Direct Contact With Children in Care. The Center may have individuals at the Center to repair and/or maintain the facility while children are in care that have no personal contact with any child in care. These individuals:

1. Must have no contact with children in care;
2. May not be required to obtain a criminal records check determination, unless they have contact with children in care; and
3. May be exempted from annual training and first-aid/CPR training requirements.

(12) Work Schedules.

Staff shall not regularly be scheduled to perform child care duties for more than twelve (12) hours within any twenty-four (24) hour period.

(13) First Aid and CPR.

At least fifty percent (50%) of the caregiver ~~Staff~~staff shall have current evidence of first aid training and cardiopulmonary resuscitation. There must always be an Employee with current evidence of first aid training and CPR on the Center premises whenever any child is ~~children are~~ present and on any Center-sponsored field trip.

(14) Compliance with Applicable Laws and Regulations. Center staff shall comply with all applicable laws and regulations.

DD. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.32 entitled “*Staff:Child Ratios and Supervision*” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.32 Staff:Child Ratios and Supervision

(1) A Center ~~center~~ must establish groupings of children for care and maintain Staff:staff:child ratios as follows:

<u>Ages of Children</u>	<u>Staff:Child Ratio*</u>	<u>Maximum Group Size **</u>
Infants less than one (1) year old or children under eighteen (18) months who are not walking	1:6	12
One (1) year olds who are walking	1:8	16
Two (2) year olds	1:10	20
Three (3) year olds	1:15	30
Four (4) year olds	1:18	36
Five (5) year olds	1:20	40
Six (6) years and older	1:25	50

* Staff, such as the Director ~~director~~ or service workers (food, maintenance and clerical staff, etc.), shall be counted in the Staff:staff:child ratio only during the time that they are giving full attention to the direct supervision of the children. Service staff routinely acting as child care workers shall meet the qualifications of the respective caregivers.

** Maximum group size does not apply to outdoor play on the playground routinely used by the Center ~~center~~ or for special activities in the Center ~~center~~ lasting no more than two (2) hours.

Maximum group size does not apply to Centers with a licensed capacity of 18 or fewer.

However, required Staff:staff:child ratios must be maintained.

(2) Mixed-Age Groups for Centers with a licensed capacity of 19 or more children. ~~Except as stated in the next paragraph, child:staff ratios shall be maintained in mixed-age groups, but the~~ The Staff:staff:child ratios for a mixed-age group shall be based on the age ~~ages~~ of the youngest

~~children in the group of children that includes~~ if more than twenty percent (20%) of the total number of children in the mixed-age group belong to younger age grouping(s).

(3) Mixed-Age Groups for Centers with a licensed capacity of 18 or fewer children. The Staff:child ratios for a mixed-age group shall be based on the following:

(a) Age of the youngest child under three (3) years of age shall determine the Staff:child ratio for the group in which the child(ren) under three (3) years of age are cared for;

(b) Where all of the children in any one group are three (3) years of age or older, the age of the majority of the children in the group shall determine the Staff:child ratios.

(4) For Centers with a licensed capacity of 19 or more, children ~~Children~~ under three (3) years of age shall be housed in separate physical areas from older children and cannot be mixed with older children except at the following times and circumstances:

(a) During early morning times of arrival and late afternoon times of departure, infants and children younger than three (3) years may be grouped with older children so long as ~~Staff~~ Staff:child ratios and group size are met based upon the age of the youngest child in the group.

(b) Children who turn three (3) years of age during the regular school year may remain grouped with other two (2) year olds for the remainder of the school year provided that the continued placement in the younger group is with the agreement of the older child's ~~Parent(s)parents~~ and is developmentally appropriate for the child.

~~(5)(4)~~ Staff:Child Ratios During Day-time Schedule Rest or Sleeping Periods. During those periods, the ~~Staff~~ Staff:child ratios may be doubled for children three (3) years and older provided that:

(a) At least one (1) ~~Staff~~ Staff person is in each room providing direct supervision of the children; and

(b) All ~~Staff~~ Staff required by paragraph (1) above relating to ~~Staff~~ Staff:child ratios are in the Centercenter and available to assure safe evacuation in an emergency.

~~(6)(5)~~ Staff:Child Ratios During Evening and Night-time Care. The ~~Staff~~ Staff:child ratios required by paragraph (1) above shall be maintained except when a majority of the children are sleeping. When a majority of the children are sleeping, then the required ratios may be doubled. However, all ~~Staff~~ Staff required by paragraph (1) above must be available on the premises of the

Center to resume supervision of the children whenever a majority of the children in care in an area are no longer asleep or an emergency situation arises.

~~(7)~~(6) Supervision. Children shall be supervised at all times. "Supervision" means that the appropriate number of Staff~~staff~~ members are physically present in the area where children are being cared for and are providing watchful oversight to the children, chaperones~~chaperons~~ and Students-in-Training~~students-in-training~~. The persons supervising in the child care area must be alert, able to respond promptly to the needs and actions of the children being supervised, as well as the actions of the chaperones~~chaperons~~ and Students-in-Training~~students-in-training~~, and provide timely attention to the children's actions and needs.

~~(8)~~(7) Assignment of Caregiving Staff. Employees shall be assigned so that in so far as possible children receive care from the same Employee~~employee~~ each day.

~~(9)~~(8) Immediately prior to the Center~~center~~ closing and being locked at the end of the business day, the Staff~~staff~~ member charged with the responsibility of locking the Center~~center~~ shall make a physical inspection of the entire premises to verify that no child is left on the Center~~center's~~ premises.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

EE. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.33 entitled "*Staff Training*" in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.33 Staff Training

(1) Orientation. Prior to assignment to children or task, all Employees and Provisional Employees must receive initial orientation on the following subjects:

- (a) The Center's policies and procedures;
- (b) The portions of these rules dealing with the care, health and safety of children;
- (c) The Employee's assigned duties and responsibilities;
- (d) Reporting requirements for suspected cases of child abuse, neglect or deprivation; communicable diseases and serious injuries;
- (e) Emergency weather plans;
- (f) Childhood injury control;

- (g) The administration of medicine;
- (h) Reducing the risk of Sudden Infant Death Syndrome (SIDS);
- (i) Hand washing;
- (j) Fire Safety;
- (k) Water Safety;
- (l) Prevention of HIV/Aids and blood borne pathogens.

(2) First Year Training - Direct Care Staff. Within the first year of employment, all ~~Staff~~staff who provide any direct care to children, except independent contractors, Students-in-Training and volunteers, shall obtain ten (10) clock hours of training or instruction in child care issues from an accredited school or Department-approved source. At least six (6) of the clock hours must be divided as follows:

(a) Four (4) clock hours of training in any of the following topics: disease control, cleanliness, basic hygiene, illness detection, illness disposition and childhood injury control.

(b) Two (2) clock hours of training in identifying, reporting and meeting the needs of abused, neglected or deprived children.

(3) First Year Training - Food Preparation. Within the first year of employment, the Director and the person primarily responsible for food preparation hired after the effective date of these rules shall receive four (4) clock hours of training in food nutrition planning, preparation, serving, proper dish washing and food storage.

(4) Ongoing Training. On an annual basis, all supervisory and caregiver ~~Personnel~~personnel, except independent contractors, Students-in-Training and volunteers, shall attend ten (10) clock hours of training which is task-focused in early childhood education or child development or subjects relating to job assignment and is offered by an accredited college, university or vocational program or other Department-approved source.

(5) Documentation of Training. Evidence of orientation and training shall be documented in the ~~Personnel~~personnel file of each ~~Staff~~staff member which shall be available to the Department for inspection.

(6) Exemptions from Training. Custodial, maintenance ~~Personnel~~personnel or volunteers who provide no direct care to children are not required to obtain first year training or ongoing training.

Authority O.C.G.A. Sec. 20-1A-1 *et seq*

FF. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.34 entitled “Standards of Care” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.34 Standards of Care

Child Care Learning Centers are encouraged to follow and implement the Standards of Care set forth in Exhibits A, B, C, D. Following and implementing the standards are voluntary. When the Department determines that a ~~Center~~^{center} meets the voluntary standards, it may recognize the ~~Center~~^{center's} accomplishment by issuing the center a certificate or similar type of recognition.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

GG. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.35 entitled “Swimming Pools and Water-related Activities” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.35 Swimming Pools and Water-related Activities

- (1) Local Approval. When permanent swimming or wading pools are located on the center premises, applicable local regulations regarding the design, construction, operation and maintenance shall be followed.
- (2) Accessibility of Pools. All swimming and wading pools shall be inaccessible to children except during supervised activities.
- (3) Supervision of Children in Water Over Two (2) Feet Deep. For water-related activity (such as swimming, fishing, boating or wading) in water over two (2) feet deep, continuous supervision of children must be provided as follows:

<u>Ages of Children</u>	<u>Staff:Child Ratio*</u>
Under two and one-half (2 1/2) yrs.	1:2
Two and one-half (2 1/2) to four (4) yrs.	1:5
Four (4) yrs. and older who cannot swim a distance of fifteen (15) yards	1:6

unassisted **

Four (4) yrs. and older who can swim a distance of fifteen (15) yards
unassisted **

* At least one person must have current evidence of having completed successfully a training program in lifeguarding offered by a water-safety instructor certified by the American Red Cross or YMCA or YWCA or other recognized standard-setting agency for water safety instruction. Such person may be a Center Staff~~center-staff~~ member or an employee of a water facility (e.g., local swimming pool).

** In lieu of requiring each child to take a swimming test to determine whether the child can swim a distance of fifteen (15) yards unassisted, Center Staff~~center-staff~~ may accept copies of certificates or cards from a recognized water-safety instruction organization showing that the child has successfully completed a swimming class which required the child to swim a distance of fifteen (15) yards unassisted.

(4) Supervision of Children in Water Less than Two (2) Feet Deep. For water-related activity (such as swimming, fishing, boating or wading) in water less than two (2) feet deep (such as a wading pool), continuous supervision must be provided in accordance with normal Staff~~staff~~:child ratios which are as follows:

<u>Ages of Children</u>	<u>Staff:Child Ratio*</u>
Infants less than one (1) year old or children under eighteen (18) months who are not walking	1:6
One (1) year olds who are walking	1:8
Two (2) year olds	1:10
Three (3) year olds	1:15
Four (4) year olds	1:18
Five (5) year olds	1:20
Six (6) years and older	1:25

(5) Additional Supervision. At least one (1) additional Staff~~staff~~ member above the required Staff~~staff~~:child ratios for any water-related activity (such as swimming, fishing, boating, or wading) shall be available to rotate among the age groups as needed when any of the following circumstances are present:

- (a) the majority of the children in a group are not accustomed to or are afraid of the water;
- (b) the majority of the children in a group comprised of children who cannot swim a distance of 15 yards unassisted cannot touch the bottom of the water facility without submerging their heads;
- (c) the water facility is particularly crowded;
- (d) the children have special needs which impact on their ability to participate safely in the water-related activity.

(6) Parental Permission. No child shall participate in a swimming activity without the Parents'~~parents'~~ written permission.

(7) Use of Wading Pools. Wading pools shall be cleaned and filled with clean water for each day's usage and emptied when not in use.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

HH. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.36 entitled “Transportation” in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.36 Transportation

(1) Transportation Requirements. The transportation requirements that follow apply to all transportation provided by the Center~~licensee~~, including transportation provided by any person on behalf of the Center~~licensee~~, regardless of whether the person is employed by the License Center~~licensee~~ and regardless of whether a fee is charged for this service. Non-routine transportation, such as a Parent~~parent~~ requesting that their child be picked up at school due to the Parents'~~parents'~~ work schedule or other conflicts, is also covered by these requirements, regardless of whether a fee is charged for this service or not. (Possible scenarios include, but are not limited to: contract services hired by the Center~~licensee~~ to provide transportation or another licensed facility providing transportation on the Center's~~licensee's~~ behalf.)

(2) Emergency Transportation. A ~~Center~~ shall have available at all times both a licensed driver and a vehicle that meets the safety requirements contained in these rules or must have a plan approved by the Department for alternative emergency transportation.

(3) Transportation Training. Child Care Learning Centers that provide any type of transportation shall obtain two (2) clock hours of transportation training, biannually, for the Director and for each ~~Staff~~ person responsible for or who participates in the transportation of children. The training shall include, but is not limited to, a review of the transportation rules ~~as stated in 501-1-1-36~~, a review of approved transportation forms and procedures, and instruction on the usage and completion of the forms and procedures.

(a) The Director and each ~~Staff~~ person who is responsible for or who participates in the transportation of children shall complete two (2) clock hours of transportation training on or before June 30, 2015 and at least every two years thereafter.

(b) Effective July 1, 2015, the Director and each ~~Staff~~ person who will be responsible for or participate in the transportation of children shall have completed two (2) clock hours of transportation training prior to assuming any duties related to the transportation of children and at least every two years thereafter.

(c) Any transportation training completed should be stated approved or state accepted training. This training may be counted as part of the annual ongoing training requirements for ~~Staff~~.

(4) Vehicle Safety. Vehicles used for transporting children shall be maintained as follows:

(a) Annual Safety Check. Each vehicle shall have a satisfactory annual safety check, completed by a trained individual, of at least: tires, headlights, horn, taillights, turn signals, brake lights, brakes, suspension, exhaust system, steering, windows, windshields and windshield wipers. A copy of a standard inspection report used by the Department or an equivalent shall be kept in the ~~Center~~ or on the vehicle and should include evidence of any repairs and/or replacements that were identified as needed on the inspection report.

(b) Interior. Interior of a transportation vehicle must be clean and in safe repair and free of hazardous items, objects and/or other non-essential items which could impede the children's access or egress from the vehicle or cause injury if the items were thrown about the vehicle as a result of a collision.

(c) Fire Extinguisher. Each vehicle shall be equipped with a fire extinguisher maintained in working order and kept inaccessible to children.

- (d) Heater. Each vehicle must have a functioning heating system.
- (e) Seats. Seats must be securely fastened to the body of the vehicle.
- (f) Child Passenger Restraints

1. All children transported in a vehicle provided by or used by the Centereenter shall be secured in a child passenger restraining system or seat safety belt in accordance with current state and federal laws and regulations. The child passenger restraining system and seat safety belts must be installed and used in accordance with the manufacturer's directions for such system and used in accordance with the manufacturer's directions with respect to restraining, seating or positioning the child being transported in the vehicle.

2. No vehicle used by the Centereenter to transport children shall exceed the manufacturer's rated seating capacity for the vehicle. The Centereenter shall maintain on file proof of the manufacturer's rated seating capacity for each vehicle used by the Centereenter.

(g) Front Seat. There shall be no more than three (3) persons in the front seat of a transporting vehicle including the driver. Centers must follow applicable state and federal laws and regulations and the vehicle manufacturer's recommendations when children are allowed to sit in the front seat.

(h) Windows. No window, in a transporting vehicle, except that of the driver, shall be opened to more than fifty percent (50%) of its capacity at any time children are on board.

(5) Staffing Requirements for Transportation of Children

(a) Driver. Whenever the Centereenter transports children for any reason, the driver of the vehicle shall be at least eighteen (18) years of age and possess a valid driver's license as required for the class of vehicle that the driver will be operating for the Centereenter.

(b) CPR and First Aid Training. Either the driver or another Staffstaff person present on the vehicle shall have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid offered by certified or licensed health care professionals and which dealt with the provision of emergency care to infants and children.

(c) Additional Staff. When the Centereenter transports children for any reason, the following Staffstaff child ratios shall be maintained:

Driver + One (1) Staff Members

When transporting three (3) or

[The additional Staffstaff must be at least eighteen (18) years of age or older]

more children under three years of age;

When seven (7) or more children under five (5) years of age occupy vehicle;

When eighteen (18) or more children five (5) years of age or older occupy the vehicle.

Driver + Two (2) Staff Members
[One (1) of the additional Staffstaff members must be at least eighteen (18) years of age]

When eight (8) or more children under three (3) years of age occupy the vehicle with other children;

When more than twenty (20) children under five years of age occupy the vehicle with other children.

(d) Staffing Requirements When Transporting More Than Thirty-Six (36) Children.

1. When more than thirty-six (36) children under five (5) years of age occupy the vehicle, the Staffstaff: child ratios as stated in Rules 591-1-1-.32(1) and 591-1-1-.32(2) shall be met.

2. When more than thirty-six (36) children five (5) years of age and older are transported with no children under the age of five (5) years, there shall be a minimum of two (2) Staffstaff persons for the first thirty-six (36) children and there must be one additional Staffstaff person for each additional twenty (20) children. This means a third Staffstaff person would be required if transporting thirty-seven (37) to fifty-six (56) children five (5) years and older.

(6) Parental Authorization. For routine transportation provided by the Centercenter or on behalf of the Centercenter, the child's Parent(s)parent(s) must provide written authorization for the transportation and specify routine pick-up location, routine pick-up time, routine delivery location, routine delivery time and the name of any person authorized to receive the child.

(7) Transportation Plan. For all transportation conducted by the Centereenter or on behalf of the Centereenter, the following requirements shall be met:

(a) Center and Passenger Information. Each vehicle used to transport children shall contain current information including the full names of all children to be transported and each child's pick-up location, pick-up time, delivery location, alternate delivery location if a Parentparent is not at home and name of person authorized to receive each child. In addition, the vehicle shall contain current information identifying the Center's ~~seenter's~~ name and telephone number and the name of the driver of the vehicle.

(b) Emergency Medical Information. An emergency medical information record must be maintained in the vehicle for each child being transported. The emergency medical information record for each child shall include a listing of the child's full name, date of birth, allergies, special medical needs and conditions, current prescribed medications that the child is required to take on a daily basis for a chronic condition, the name and phone number of the child's doctor, the local medical facility that the Centereenter uses in the area where the Centereenter is located and the telephone numbers where the Parent(s) ~~parents~~ can be reached.

(c) Passenger Transportation Checklists. A passenger transportation checklist, provided by or in a format approved by the Department, shall be used to account for each child during transportation. A separate passenger checklist shall be used for each vehicle.

1. The first and last name of each child transported shall be documented on the passenger transportation checklist. Each child shall be listed individually; a sibling group shall not be listed as a single entry, for example, an entry of "Smith children" would be unacceptable.

2. The driver or other designated person shall immediately document in writing, with a check or other mark/symbol to account for each child listed on the passenger transportation checklist each time a child enters and exits the vehicle. The driver or other designated person shall document in writing with a different mark/symbol to account for each child listed on the passenger transportation checklist who was not present on the vehicle for any reason. An explanation shall be documented in writing whenever a child is transported to a field trip site but is not present on the return trip to the Centereenter.

3. The driver or other designated Staff ~~staff~~ person shall also document in writing the departure/arrival times for all types of transportation on the passenger transportation checklist as follows:

(i) School Transportation - Each time the vehicle departs from the Centercenter, is loaded or unloaded at each school and when the vehicle returns to the Centercenter.

(ii) Home Transportation - Each time the vehicle departs from the Centercenter, arrives at the location where any child is picked up or dropped off and when the vehicle returns to the Centercenter.

(iii) Field Trip Transportation- Each time the vehicle leaves the Centercenter, arrives at a field trip destination, leaves a field trip destination, and returns to the Centercenter.

4. The Staffstaff person on the vehicle responsible for keeping the passenger transportation checklist shall give the completed passenger transportation checklist to the Director or the Director's designated Staffstaff person at the Centercenter as set forth below:

(i) Immediately upon return to the Centercenter at the completion of the trip once the vehicle has been checked; or

(ii) The next business day following the completion of the trip if the vehicle did not return to the Centercenter at the end of the trip or if the Centercenter was closed when the vehicle returned.

5. Passenger transportation checklists shall be maintained as Centercenter records for one (1) year.

(d) Checking the Vehicle - To ensure that all children have been unloaded from transportation vehicles, regardless of whether the vehicle is equipped with a child safety alarm devices, the vehicle shall be thoroughly checked first by a designated Staffstaff person who was present on the vehicle during the trip and then by a second designated Staffstaff person, who may or may not have been present on the vehicle during the trip, to ensure that two checks of the vehicle have been completed.

1. The first check shall be conducted immediately upon unloading the last child at any location including, but not limited to, a field trip destination, arrival at the Centercenter, and the last stop during transportation to home or school. The responsible person on the vehicle shall:

(i) Physically walk through the entire vehicle;

(ii) Visually inspect all seat surfaces, under all seats and in all compartments or recesses in the vehicle's interior;

(iii) Sign the passenger transportation checklist(s), indicating all of the children have exited the vehicle; and

(iv) Give the passenger transportation checklist(s) to the second designated ~~Staff~~staff person.

2. The second designated ~~Staff~~staff person shall conduct a check of the vehicle as stated in Rule 591-1-1-.36(7)(d)1.(i) through (iii) above. The second check shall be conducted immediately upon the completion of the first check of the vehicle. There shall be continuous watchful oversight of the vehicle between the first check and second check.

3. If a second designated ~~Staff~~staff person is not available to conduct a second check of the vehicle, the driver shall check the vehicle as stated in Rule 591-1-1-.36(7)(d)1.(i) through (iii) above and then report by phone to the ~~Director~~director or designated ~~Staff~~staff person that the check has been completed and no children remain on the vehicle. (Possible circumstances include, but are not limited to: the ~~Center~~center has closed when the driver returns with the vehicle; the driver is the only ~~Staff~~staff person on the vehicle at the last destination during home, school or field trip transportation; the driver takes the vehicle home at the end of the day.) The time and verification of such telephone contact shall be immediately documented and signed on the passenger transportation checklist(s) by the driver.

(8) Travel Restriction. Unless accompanied by his or her ~~Parent~~parent, no child shall be required to travel more than forty-five (45) minutes on each trip between the ~~child-care-learning Center~~center and destination point, excluding field trips.

(9) Center Responsibility. The ~~Center~~center is responsible for the child from the time and place the child is picked up until the child is delivered to his or her ~~Parent(s)~~parents or the responsible person designated by his or her ~~Parent(s)~~parents. A child shall not be dropped off at any location if there is no one authorized to receive the child.

(10) Supervision of Vehicles. A child shall never be left unattended in a vehicle.

(11) Prohibited Methods of Transportation. Children shall not be transported in vehicles, or parts thereof, which are not designed for the purpose of transporting people, such as but not limited to: truck beds, campers or any trailers attached-to a motor vehicle.

(12) Operating Requirements. The motor shall be turned off, the brake set and the keys removed whenever the driver leaves the vehicle. Transporting vehicles shall be parked or stopped so that no child will have to cross the street in order to meet the vehicle or arrive at a destination.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

II. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.37 entitled “Inspections and Investigations” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.37 Inspections and Investigations

The Department is authorized and empowered to conduct on-site inspections and investigations of Center~~centers~~.

(a) Conduct of Inspections and Investigations. The Department may conduct inspections and investigations in the following instances:

1. At regular intervals as the Department may determine or at the expiration of the current License~~license or Permit~~;
2. Upon receiving a report alleging child abuse, neglect or deprivation which occurred while the child was in the care of the Center~~center~~ Director~~director~~, Provisional Employees or Employees~~employees~~;
3. Upon receiving a complaint concerning the Center~~center~~ which could endanger the health, safety or welfare of the children in care;
4. Upon receipt and review of a request for an amended License~~license~~ where the Department determines that an on-site inspection is advisable;
5. Upon the Department or its duly authorized representative being made aware of any flagrant abuses, derelictions or deficiencies during the course of the inspection or at any other time. The Department shall immediately investigate such matters and may make an on-site inspection so as to take such actions as conditions may require;
6. Subsequent to the receipt of a Plan of Correction~~plan of correction~~, as determined necessary by the Department to monitor whether the Plan of Correction~~plan of correction~~ is being complied with by the Center Personnel~~center personnel~~.

(b) Consent to Entry. An application for a License~~license or Permit~~ to operate a Center~~center~~ or issuance of a License~~license or Permit~~ by the Department constitutes consent by the applicant, the proposed holder of the License~~license or Permit~~ and the owner of the premises for the Department’s representative, after displaying identification to any Center Staff~~center staff~~ to enter the premises at any time during operating hours for the purpose of inspecting the facility, including both scheduled and unscheduled inspections and includes consent for meaningful

access to all ~~Staff~~staff, parts of the premises, all children present and all records required by these rules. The Department shall have the right to photocopy or reproduce by any means any record required by these rules to be maintained and as needed for any inspection or investigation.

(c) Failure to Allow Access. Failure to allow access of the Department's representative to the ~~Centereenter~~, ~~Center Staffeenter-staff~~, the children receiving care at the ~~Centereenter~~ or the records required by these rules ~~er failure to cooperate with a Department inspection or investigation~~ shall constitute good cause for the denial, restriction, revocation or suspension of a License, Permit ~~license~~ or commission.

(d) Failure to Cooperate. The proposed and current License Holder, Permit Holder or commission holder and Staff shall cooperate with any inspection or investigation by responding truthfully to any legitimate departmental inquiry. Failure to cooperate with a Department inspection or investigation shall constitute good cause for the denial, restriction, revocation or suspension of a License, Permit or commission.

(e) False or Misleading Statements. No License Holder, Permit Holder or commission holder shall make or condone any Staff making false or misleading statements to the Department in connection with any authorized investigation or inspection being conducted by the Department.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

JJ. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.38 entitled "*Waivers and Variances*" in its *Rules and Regulations for Child Care Learning Centers*. This amendment shall include the following:

591-1-1-.38 Enforcement and Penalties

No ~~child-care-learning~~ Child Care Learning ~~Centereenter~~ shall operate in the state without a License~~license~~ or Permit. A License~~license~~ or Permit to operate a ~~Centereenter~~ may be denied, revoked, restricted or suspended in accordance with the following:

(a) Refusal of a License or Permit. The Department shall refuse to issue any License~~license~~ or Permit upon a showing of:

1. Noncompliance with these rules which are designated in writing to the center as being related to children's health and safety; or
2. Flagrant and continued operation of an unlicensed facility in contravention of the law; or

3. Prior License or Permit denial or revocation within one (1) year of application; or
4. Where the Department determines that a Permit or License applicant knows or should reasonably know that any actual or potential Director, Employee or Provisional Employee has a Criminal Record and allows such individual to either reside at the Center or be present at the Center while any child is present for care; or
5. Where the Department determines that a Permit or License applicant knowingly or intentionally violates other provisions relating to Criminal Records Checks.

(b) Refusal of a License or Permit. The Department may refuse to issue a License or Permit upon a showing of:

1. The applicant or the agent of the applicant denies the representative access to the Center for the purposes of determining whether a License or Permit will be granted; or
2. The Director, Provisional Employees or Employees of the Center do not undergo the applicable records check and receive Satisfactory Records Check Determinations; or
3. The applicant or agent of the applicant knowingly makes any false statement of material information in connection with the License or Permit Application or change of ownership application for licensure, or in the alteration or falsification of records maintained by the applicant or the agent of the applicant in connection with the application for licensure; or
4. The applicant or alter ego of the applicant or agent of the applicant has transferred ownership or governing authority of a Center within one (1) year of the date of the new application when such transfer was made in order to avert denial, suspension, restriction or revocation of a License or Permit; or
5. The applicant or alter ego of the applicant or persons in management or control of the Center have failed to pay a civil penalty or enforcement fine previously imposed by the Department.

(c) Revocation of a License or Permit. The Department shall revoke any License or Permit in the following instances:

1. Where the Department determines that a Permit or License Holder knows or should reasonably know that any actual or potential Director, Employee or Provisional Employee has a

Criminal Record and allows such individual to either reside at the Center or be present at the Center while any child is present for care; or

2. Where the Department determines that a Permit Holder or License Holder knowingly or intentionally violates other provisions relating to Criminal Records Checks.

(d)(e) Revocation of a License or Permit. The Department may revoke any License~~license~~ or Permit in the following instances:

1. Where the Department's representative is refused access to the Center~~center~~ for the purpose of determining whether the Center~~center~~ is in compliance with these rules; or

2. Where the Department determines that a non-correctable deficiency exists in the operation or management of the Center~~center~~; or

3. Where the Department determines that a correctable abuse, dereliction or deficiency in the operation or management of the Center~~center~~ has not been corrected within a reasonable time after:

(i) having been brought immediately to the attention of the Director~~director~~ of the Center~~center~~ by Department representative;

(ii) having been advised in writing of the deficiencies and setting a time not to exceed ten (10) working days for the filing of an acceptable Plan of Correction~~plan of correction~~; and

(I) the License Holder~~licensee~~, Permit Holder or commission holder fails to submit an acceptable Plan of Correction~~plan of correction~~ to the Department within the specified time limits (in determining whether a Plan of Correction~~plan of correction~~ is acceptable, the Department will consider the extent of the deficiencies, the history of compliance including whether the License Holder~~licensee~~, Permit Holder or commission holder has sustained compliance with previous plans of correction and whether the correction required can be maintained over time); or

(II) the License~~licensee~~ or Permit Holder fails to follow the accepted Plan of Correction~~plan of correction~~; or

4. Where the License or Permit Holder allows a Provisional Employee with an unsatisfactory Preliminary Records Check Determination to reside in or be present at a Center while any child is present for care ~~direct or indirect access for center to the criminal records checks~~ and receive satisfactory determinations; or

5. Where there is a flagrant abuse, dereliction or deficiency that constitutes shocking intentional misconduct; or

6. Where the License or license Permit Holder knowingly makes any false statement of material information in connection with any statement made or on any documents submitted to the Department as part of an inspection, survey, or investigation, or in the alteration or falsification of records maintained by the Centerlicensee; or

7. Where the License or license Permit Holder fails to pay a civil penalty or enforcement fine imposed by the Department after the time period for requesting an appeal of the notice of imposition of civil penalty or enforcement fine has expired and the Centerlicensee has not submitted an appeal within required time frame in accordance with these rules and regulations; or

8. Where the License or license Permit Holder fails to pay a civil penalty or enforcement fine imposed by the Department after the Centerlicensee has submitted a timely appeal of the notice of imposition of civil penalty or enforcement fine and the imposition of the civil penalty or enforcement fine has been affirmed in accordance with the Georgia Administrative Procedure Act, O.C.G.A. Sec. 50-13-1 et seq., and applicable law.

~~(e)~~(d) Suspension of a License or Permit. The Department may suspend the Licenselicense or Permit to operate a Centercenter:

1. Where the Directordirector, Provisional Employees or Employeesemployees of a Centercenter do not undergo the applicable records checks and receive satisfactory determinations; or

2. Where the Department finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order summarily suspending the Licenselicense or Permit pending proceedings for revocation or other action which proceedings shall be promptly instituted and determined.

~~(f)~~(e) Restriction of a License or Permit. The Department may restrict or limit the holder of a regular, restricted or temporary Licenselicense or a Permit from providing certain kinds of care or services to children or limiting the number and/or age of the children who may be served if the Department determines that the holder of the Licenselicense or Permit either cannot comply with these rules or has not complied with these rules.

(g)(f) Enforcement Fines. The Department may assess an enforcement fine of up to five hundred dollars (\$500) per day for each rule violation, not to exceed a total of twenty-five thousand dollars (\$25,000). The Department may assess enforcement fines in accordance with the following:

1. A fine, not exceeding five hundred dollars (\$500) per day for each rule violation, may be assessed against any License Holder~~licensee~~, Permit Holder or commission holder who

(i) Violates any licensing provision of O.C.G.A. Sec. 20-1A-1 et seq. or any rule, regulation or order issued under O.C.G.A. Sec. 20-1A-1 et seq. or any term, condition or limitation of any License~~Heense~~, commission or registration Permit certificate under O.C.G.A. Sec. 20- 1A-1 et seq. thereby subjecting a child in care to injury or a life-threatening situation;

(ii) Commits any violation for which a License~~licensee~~, Permit or commission may be revoked.

2. If any violation is a continuing one, each day of such violation will constitute a separate violation for the purpose of computing the applicable enforcement fine.

3. Whenever the Department proposes to subject a License Holder~~licensee~~, Permit Holder or commission holder to the imposition of an enforcement fine, it shall notify such individual or business entity ~~licensee~~ in writing. The notice shall set forth the following:

(i) the date, facts and nature of each act or omission with which the License Holder~~licensee~~, Permit Holder or commission holder is charged;

(ii) the specific and particular provisions of the Official Code of Georgia Annotated section, the rule, regulation, order, License~~licensee~~, Permit or commission certificate involved in the violation;

(iii) each fine which the Department proposes to impose and its amount;

(iv) that the License Holder~~licensee~~, Permit Holder or commission holder has an opportunity to show in writing, within ten (10) days of the receipt of the notice, why such fine should not be imposed;

(v) that the failure to pay the enforcement fine, subsequently determined by the department, if any, may result in collection through a civil action (lawsuit);

(vi) that the License Holder~~licensee~~, Permit Holder or commission holder also has the right to appeal the imposition of the enforcement fine pursuant to the Georgia Administrative

Procedure Act, O.C.G.A. Sec. 50-13-1 et seq. by filing a timely request for a hearing within ten (10) days of receipt of the notice.

4. The written notice of the intention to impose an enforcement fine shall be sent by registered or certified mail by the Department to the last known address of such License Holder~~licensee~~, Permit Holder or commission holder.

5. The amount of the enforcement fine will be assessed in accordance with the following:

(i) a fine of five hundred dollars (\$500) per day for each rule violation may be assessed for any violation of these rules which has resulted in a disabling or permanent injury or the death of a child;

(ii) a fine ranging from three hundred dollars (\$300) to four hundred ninety-nine dollars (\$499) per day for each rule violation may be assessed for any violation of these rules which has resulted in an injury or harm to a child but has left no disabling or permanent physical damage;

(iii) a fine ranging from fifty dollars (\$50) to two hundred ninety-nine dollars (\$299) per day for each rule violation may be assessed for any violation of these rules which demonstrates a reckless and serious disregard for the physical or mental health or safety of a child in care but which may or may not result in physical injury to a child or for any other violation of these rules for which a License~~licensee~~, Permit or commission may be revoked.

6. The Department will consider in assessing an enforcement fine the severity of the rule violation, the duration of non-compliance, the License Holder's~~licensee's~~, Permit Holder's or commission holder's prior licensure or history and the voluntary reporting of the violation for which the fine is being imposed on the License Holder~~licensee~~, Permit Holder or the commission holder.

7. The assessment of an enforcement fine will not preclude the Department from taking any additional actions authorized by law or regulation including, but not limited to, License~~licensee~~ or Permit restriction, suspension, revocation or the seeking of an injunction against the continued operation of the Center~~center~~.

~~(h)~~(g) Right to a Hearing. The Department's enforcement actions shall be preceded by a notice and opportunity for a hearing and shall constitute a contested case in accordance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-1 et seq., except that only thirty (30) days' notice in writing from the Commissioner's designee shall be required prior to

License~~licensee~~, Permit or commission revocation and except that the hearing held relating to

such action by the Department may be closed to the public if the hearing officer determines that an open hearing would be detrimental to the physical or mental health of any child who will testify at that hearing.

1. In connection with the Department instituting proceedings to revoke, suspend, refuse to renew or restrict a previously issued Licensee, Permit or commission, the Department shall provide notice sent by certified mail setting forth the facts or conduct which has warranted the Department's action. The notice shall inform the Center of the opportunity to demonstrate that the Center was in full compliance with all lawful requirements for the retention of the Licensee, Permit or commission at the time that the facts or conduct warranting the revocation, suspension or restriction action allegedly occurred. However, this notice shall not be required in the following instances:

(i) The Department finds that the public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, in which case summary suspension of the Licensee, Permit or commission may be ordered pending proceedings for revocation or suspension or other action, which proceeding shall be promptly instituted and determined; or

(ii) The Department's order is expressly required, by a judgment or a statute, to be made without the right to or hearing or continuance of any type.

2. The notice of revocation, suspension or restriction of a Licensee, Permit or commission becomes effective thirty (30) days from the day of notice unless the License Holder, Permit Holder or commission holder requests a hearing. A request for a hearing must be made in writing within ten (10) days of receipt of the notice of revocation, suspension or restriction.

(i)(h) Notice of Hearing. If the License Holder, Permit Holder or commission holder requests a hearing, a notice of hearing shall be mailed or served personally on the Center. The notice shall contain the following:

1. A statement of the date, time, place and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular section of the statutes and rules involved;
4. A short and plain statement of the matters asserted. The Department may refer to any child that is the subject of a deficiency or violation in the notice by the child's initials. The name of

the child so referenced will be released orally to the holder of the License, Permit or commission or registration upon written request to the Department. If the Department is unable to state the matters in detail at the time, the notice may be limited to a statement of the issues involved. Thereafter, upon application approved by the hearing officer, a more definite and detailed statement shall be furnished; and

5. A statement as to the right of any party to subpoena witnesses and documentary evidence through the Department.

(j)(i) Injunctive Relief. The Department may, without regard to the availability of other remedies, including administrative remedies, seek an injunction against the continued operation of a Center without a License or Permit or the continued operation of a Center in willful violation of O.C.G.A. Sec. 20-1A-1 et seq. or of any regulation of the Department or in violation of any other order of the board or of the Department.

(k)(i) Inspection Warrants. If a Department representative is denied entrance to a Child Care Learning Center ~~child care learning center~~ which is believed to be subject to licensure, an application for an inspection warrant may be made by the Department to a court of competent jurisdiction and, if granted, used to gain entry to that ~~child care learning~~ Center.

(l)(k) Emergency Order. Notwithstanding other remedies available to the Department which may be pursued at the same time, the Commissioner or his/her designee may order the emergency placement of a monitor or monitors in a ~~child care learning~~ Center in accordance with the following:

1. The Department's rules and regulations are being violated which threaten the health, safety, or welfare of children in care and when one or more of the following conditions are present:

(i) The ~~child care learning~~ Center is operating without a License, Permit or commission; or

(ii) The Department has denied the License, Permit or commission or has initiated action to revoke the existing License, Permit or commission of the Center; or

(iii) Children are suspected of being subjected to injury or life-threatening situations or the health or safety of a child or children is in danger.

2. A monitor may be placed in a ~~child care learning~~ Center for no more than ten (10) consecutive calendar days, during which time the monitor shall observe conditions and regulatory compliance with any recommended remedial action of the department. Upon

expiration of the ten (10) day period, should conditions warrant, the initial ten (10) day period may be extended for an additional ten (10) day period. The monitor shall report to the Department. The monitor shall not assume any administrative responsibility within the Centereenter, nor shall the monitor be liable for any actions of the Centereenter. The salary and related costs and travel and subsistence allowance as defined by Department policy of placing a monitor in a ~~child-care-learning~~ Centereenter shall be reimbursed to the Department by the Centereenter, unless the order placing the monitor is determined to be invalid in a contested case or by final adjudication by a court of competent jurisdiction, in which event the costs associated with the monitor shall be paid by the Department.

3. The emergency order shall contain the following:

- (i) The scope of the order;
- (ii) The reasons for the issuance of the order;
- (iii) The effective date of the order if other than the date the order is issued;
- (iv) The person to whom questions regarding the order are to be addressed; and
- (v) Notice of the right to a preliminary hearing.

4. Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner of the ~~child-care-learning~~ Centereenter or any other agent, Employee~~employee~~, or person-in-charge of the Centereenter at the time of the service of the order.

5. The request for a preliminary hearing shall be made in writing within five (5) days from the time of service, excepting weekends. The request must be made to the representative of the Department designated in the order. Unless a request is made to appear in person, the preliminary hearing shall consist of an administrative review of the record, written evidence submitted by the ~~child-care-learning~~ Centereenter affected, and a preliminary written argument in support of its contentions.

6. If a request is made to appear in person at the preliminary hearing, the ~~child-care-learning~~ Centereenter shall provide the name and address of the person or persons, if any, who will be representing the Centereenter in the preliminary hearing.

7. Upon receipt of a request for a preliminary hearing, the Department shall set and give notice of the date, time and location of the preliminary hearing. The preliminary hearing shall be held as soon as possible after a request therefore but in no event later than seventy-two (72) hours after

such request, provided that a ~~child care learning Center~~center may request that such hearing be held earlier; provided, however, that in no event will a hearing be held on a weekend or holiday.

8. If a personal appearance is requested, the preliminary hearing shall consist of a review of the evidence in the record, any additional evidence introduced at the hearing, and any arguments made. A recording shall be made of the hearing.

9. The Department shall, where practicable, issue an immediate oral order and shall, in all instances, issue a written order within four (4) business days after the close of the hearing.

10. Pending final appeal of the validity of any emergency order issued as provided for pursuant to O.C.G.A. Sec. 20-1A-13, such emergency order shall remain in full effect until vacated or rescinded by the Commissioner or his/her designee.

11. The Department is not precluded from taking any other actions permitted by other laws or regulations during the time that an emergency order is in force.

(m)(4) Criminal Penalties. The criminal penalties which may be imposed for violation of these rules are as follows:

1. Any person who violates the provisions of O.C.G.A. Sec. 20-1A-1 et seq. or who hinders, obstructs, or otherwise interferes with any representative of the Department in the discharge of that person's official duties in making inspections or in investigating complaints shall be guilty of a misdemeanor.

2. Any person who shall make, utter, execute, or submit to the Department any oral or written representation, knowing the same to be false, for the purpose of obtaining anything of value, including any service, shall be guilty of a misdemeanor.

3. Any person who operates an early care and education program without a currently valid License, commission, registration, Permit or exemption ~~Any child care learning center which operates with out a currently valid license or commission~~ issued by the Department is subject to the provisions O.C.G.A. Sec. 20-1A-10(t) which provides that such person shall be guilty of a misdemeanor and upon conviction, shall be punished by imposition of operating a child care learning center with out a license, re-mission, f a fine of not less than fifty dollars(\$50) nor more than two hundred dollars (\$200) or imprisonment not exceeding 12 months, or both, for each offense. Each day of operation without a License, license or, Permit commission, registration or exemption constitutes a separate criminal offense.

~~(n)(m)~~ Complaints. All complaints concerning licensed, permitted, registered, or commissioned or unlicensed ~~child care learning centers~~ early care and education programs may be submitted to the Department by telephone, letter, email, facsimile, or personal conference. Complaints will be investigated by a Department representative, if appropriate. A written report of the findings of the investigation will be sent to the complainant upon request where authorized by law.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

KK. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.41 entitled “Notice of Revocation or Emergency Suspension Actions to Parents, Guardians and Others” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.41 Notice of Revocation or Emergency Suspension Actions to ~~Parents, Guardians and Others~~

(1) The Department shall provide notice of its actions to revoke the License or seek an emergency suspension of the Center’s License to operate to Parent(s) parents, guardians, and others who may have children in the care of the Center. This notice, together with the Department’s complaint intake phone number and website, shall be provided to Parents parents, guardians, and others through the following methods:

(a) The posting of the official notice of revocation or emergency suspension action and any final resolution at the Center by Department staff in an area that is visible to the Parents and others parents and guardians whose children attend the Center;

(b) The posting of the official notice of the revocation or emergency suspension action any final resolution of the Department’s website; and

(c) The distribution of Department staff of a brief notice of the initial filing of actions to revoke or suspend the Center’s License to the Parents parents or guardians or person authorized to pick up children from care for the Parents parents or guardians, who are at the Center at the time that the notice of revocation or emergency suspension is posted by the Department.

(2) In addition, the Department may share any notice of revocation or emergency suspension action and any information pertaining thereto with any other agencies which may have an interest in the welfare of the children in care at the Center.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

LL. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.42 entitled “Posting and Distribution of Notices of Revocation and Emergency Suspension Actions” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

I.

591-1-1-.42 Posting and Distribution of Notices of Revocation and Emergency Suspension Actions

When the Department has posted a notice of the revocation and/or emergency suspension actions in the Centereenter, the Centereenter shall ensure that the notice at the Centereenter continues to be visible to the Parents~~parents, guardians,~~ and others throughout the pendency of the revocation, emergency closure and emergency suspension actions including any appeals. Where the Centereenter provides transportation of the children in care to and from the Centereenter and Parents~~parents, guardians,~~ and others responsible for the care of the children do not come to the Centereenter on a regular basis, the Centereenter shall send home with the children on the day that it is delivered by Department staff copies of the brief notice of the revocation or emergency suspension action to the Parents~~parents, guardians,~~ or others who are responsible for the care of the children enrolled in the Centereenter.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

MM. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.43 entitled “Posting of Inspection Results” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.43 Posting of Inspection Results

The Centereenter shall have posted at the Centereenter in an area that is readily visible to the Parents~~parents, guardians,~~ and others any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

NN. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.44 entitled “Removal of Notices and Survey Reports Prohibited” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

591-1-1-.44 Removal of Notices and Survey Reports Prohibited

It shall be a violation of these rules for the Centereenter to permit the removal or obliteration of any notices of revocation, emergency suspension action, resolution, or inspection survey reports posted by the Department on the premises of the Centereenter during the pendency of any revocation or emergency suspension action.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

OO. Bright from the Start: Georgia Department of Early Care and Learning proposes to amend Rule 591-1-1-.46 entitled “Exemptions” in its Rules and Regulations for Child Care Learning Centers. This amendment shall include the following:

Rule 591-1-1-.46 Exemptions

(1) All programs providing group care for children shall obtain either a Licenselicense, Permit or a commission for an early care and education program or an exemption from the Department, as applicable. Any person or entity operating or planning to operate such a service believed to meet the criteria for exemption from licensure, as listed below, shall apply to the Department for exemption by submitting the Department’s application for exemption.

(a) Exemption Requirements.

1. The application for exemption shall be notarized and shall include:

- (i) A valid and current e-mail address,
- (ii) A written description of services, fees, ages of children to be served, months, days, and hours of operation and location,
- (iii) Copies of written policies, advertisements, parental agreement forms, and other materials to support the criteria for exemption as determined by the Department.
- (iv) A sworn statement that the information provided to the Department is accurate and truthful.

2. The exemptions granted by the Department are exemptions from licensure, and do not affect the authority of local, regional or state health department officials, the state fire marshal, local fire prevention officials, local or regional building officials or zoning officials to inspect

and approve facilities and locations. Programs operated in a residence are not eligible for exemption. Additionally, the exemption is only valid at the address listed on the application.

3. A program granted an exemption shall post in a prominent place near the front entrance of the facility both a copy of the exemption approval letter issued by the Department and a notice provided by the Department that will notify a ~~Parentparent or guardian~~ that the program is not licensed and is not required to be licensed by the state. The notice shall be at least ½ inch letters and shall contain the Department's telephone number and website address.

4. A program approved for exemption shall maintain attendance records for children. When a ~~Parentparent or guardian~~ initially registers a child with an exempt program, the ~~Parentparent or guardian~~ shall sign a form indicating the ~~Parentparent or guardian~~ has been advised and understands that the program is not licensed and is not required to be licensed by the state. The program must maintain the attendance records and parental notification forms during the time the child is enrolled in the program and for one year after the child no longer attends the program. All records shall be made available to any authorized representative of the ~~Departmentdepartment~~ upon request.

5. Any program granted an exemption from licensure that subsequently loses accreditation, closes and/or ceases operation shall notify the Department in writing within five (5) business days of such a change. A program granted an exemption that has subsequent material changes in the operation of their program, such as, but not limited to, a change of physical location, a change in operating months, days, and/or hours, or a change in the ages served shall be required to submit a new application for exemption to the Department.

6. Programs granted an exemption may be required to periodically update the Department on the status of their exemption and operating information such as but not limited to submitting an annual report that would contain information related to the exemption approval.

7. The Department may rescind an approval for exemption when one or more of the following is determined by the department:

- (i) The program no longer meets the criteria for the exemption.
- (ii) The program provided false information during the exemption request process or during an investigation.
- (iii) The program failed to comply with local, regional, and state health department, fire marshal, fire prevention, and building/zoning guidelines/requirements.

(iv) The program failed to provide the Department with a valid and current e-mail address or with other information requested by the department, such as but not limited to, the months, days, and hours of operation, ages of children served and operating address.

(b) Exemption Categories. The following types of programs shall be exempt from licensure:

1. Programs which are owned and operated by any department or agency of state, county, or municipal government. This includes, but is not limited to, the customary school day, as defined in Georgia law, and before- and/or after-school programs in public schools operated by the public school system and staffed with school system employees and recreation programs operated by city or county parks and recreation departments and staffed with city or county employees.

2. Private non-public educational programs with an established curriculum for children five (5) years and older that operate during the school term for the customary school day, as defined by Georgia law.

3. A private non-public school which provides education in any grades from kindergarten through 12th grade, meets the requirements under Georgia law for private schools (See O.C.G.A. § 20-2-690), and is accredited by one or more of the entities listed in O.C.G.A. § 20-3-519(6)(A) and which provides care before, after, or both before and after the customary school day, as defined in Georgia law, to its students as an auxiliary service to such students during the regular school year only. The accrediting entities listed in O.C.G.A. § 20-3-519(6)(A) are:

- (i) The Southern Association of Colleges and Schools;
- (ii) The Georgia Accrediting Commission;
- (iii) The Georgia Association of Christian Schools;
- (iv) The Association of Christian Schools International;
- (v) The Georgia Private School Accreditation Council;
- (vi) The Southern Association of Independent Schools;
- (vii) The Accrediting Commission for Independent Study. (O.C.G.A § 20-3- 519(6.1)(A).

4. Accredited private non-public educational programs with an established curriculum for four-year-old children for the customary school day, as defined in Georgia law, that are not part of a full day Child Care Learning Center~~child-care-learning-center~~ and are an integral part of an accredited private non-public school that provides elementary or secondary instruction or both, providing the accreditation specifically covers these ages; any before and/or after school hours

for four-year-old children who attend such a program as described above, provided the children do not leave the premises of the accredited private non-public school and the program is staffed with employees of that private non-public school.

5. Parent's Morning Out, Parent's Night Out, or similar programs which operate for no more than one session of up to four (4) consecutive hours per day and which limit attendance to no more than eight (8) hours a week per child.

6. Nursery schools, playschools, kindergartens or other educational programs for children two (2) years through six (6) years of age which operate for no more than four (4) consecutive hours per day.

7. Day camp programs for children five (5) years and older that are operated between school terms, whose primary purpose is to provide organized recreational, religious, or instructional activities. The day camp programs may operate during summer and other school breaks and shall operate for no more than twelve (12) hours per day.

8. Short-term educational or recreational activities or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subjects, such as, but not limited to, music lessons, dance classes, swim lessons, etc. The provider is not assuming responsibility for supervision and care of the children outside of the classes or activities the children participate in and shall not advertise or otherwise represent that child care services are offered.

9. Any short-term child care service provided by an establishment, such as, but not limited to, a religious facility, health club, or retail store, and such program or service meets all of the following:

- (i) Operated on the premises of the establishment;
- (ii) Operated for the convenience of the Parents, ~~parents, guardians, or custodians~~ and for the use of on-duty employees or students attending classes;
- (iii) ~~Parents, guardians, or custodians~~ are participating in activities provided by the establishment on the premises of the establishment;
- (iv) ~~Parents, guardians, or custodians~~ are readily available;
- (v) Attendance of child in the short-term child care service is limited to no more than four (4) hours per day and no more than ten (10) hours per week, except in the instance of child care services offered at infrequent events such as, but not limited to, conferences and weddings.

10. Programs operated after the customary school day, as defined in Georgia law, for children five (5) years and older that are strictly instructional and skill-based in a single talent, ability, expertise, proficiency or subject or in closely related skills, proficiencies or subjects, including but not limited to classes such as art, cheerleading, dance, drama, gymnastics, martial arts and music, and the programs comply with all of the following:

(i) Programs provide direct instruction in the single skill or subject and/or closely related skills or subjects to every child each day the child is present;

(ii) Programs do not provide services that are not directly related to the single skill or subject or to the closely related skills or subjects, such as but not limited to homework assistance. During the hours of operation, programs may provide services related to the instruction, such as transportation and giving children time to change into proper clothes/gear;

(iii) Programs shall not advertise or otherwise represent that the program is a child care facility, an after-school program, or that the program offers child care services;

(iv) Programs shall not prepare meals and snacks, but may provide ready-to-eat snacks, such as pre-packaged snacks;

(v) The majority of the program staff responsible for instruction shall possess specialized qualifications to instruct in that skill or subject, and the program shall submit documentation of such specialized qualifications of staff to the Department at the time of application for exemption or as requested by the ~~Department~~ department;

(vi) Programs shall inform ~~Parents~~ parents or guardians about the physical risks a child may face while participating in the program;

(vii) Such programs shall not be an integral part of a licensed ~~child care learning~~ Child Care Learning Center ~~center or day care center~~;

(viii) Enrollment information shall clearly define the duration of the program.

11. Short term educational programs offered to school-aged children in which the supervision and care of the children are incidental to their participation in the short-term educational program, and the provider is not assuming responsibility for the provision of daily child care outside the scheduled program. The majority of staff responsible for the direct delivery of education services to children possesses specialized qualifications that are directly related to the short term educational programs being offered, and the program shall submit documentation of such specialized qualifications to the department at the time of application for exemption or as

requested by the Department. The sole or primary purpose of such short term educational programs is:

(i) To prepare children for advancement to the next educational level through a prescribed course of study or curriculum;

(ii) To provide specialized tutoring services through a prescribed course of study or curriculum to assist children with the passage of mandatory educational proficiency examinations;

(iii) To provide specialized tutoring services through a prescribed course of study or curriculum to assist children in specific academic areas, such as, but not limited to, foreign language, mathematics, science, etc.

12. Any program or facility providing care for school-aged children that is operated by, or in affiliation with a national membership non-profit organization that was created for the purpose of providing youth services and youth development, that charges a membership fee for children and may receive monthly, weekly, or daily fees for services. Such program or facility holds membership in good standing and is certified by its national association as complying with the association's purposes, procedures, minimum standards and mandatory requirements. Such national membership organizations include, but are not limited to, the Boys and Girls Clubs of America.

13. Any program providing group care for children for no pay.

14. A ~~Center~~center that is licensed by the Department may request an exemption from licensure if the ~~Center's~~center's program is an integral part of an established religious congregation or religious school that conducts regularly scheduled classes, courses of study, or educational programs and is a member of or accredited by or certified by a state, regional, or national accrediting agency for religious educational instruction or a state, regional, or national accrediting agency for educational instruction as recognized and approved by the Department if such accrediting entity uses standards that are substantially similar to those established by the Department. In addition to the requirements listed above applicable to all exemptions, the following additional requirements shall apply to ~~Center~~centers seeking an exemption under this provision:

(i) A ~~Center~~center seeking such exemption from licensure shall be required to submit to the Department documentation of certification or accreditation, including a copy of its most

recent certification or accreditation inspection report, and any other pertinent documentation as requested by the Department, such as non-profit tax-exempt verification. The accrediting agency must conduct regularly scheduled visits to the programecenter while such programecenter remains accredited.

(ii) If such exemption is granted, the programecenter shall submit annual documentation to the Department verifying its continued certification or accreditation, including a copy of its most recent certification or accreditation inspection report, and other pertinent documentation as may be requested by the Department.

(iii) Such exemptions granted by the Department are valid as long as the programecenter remains certified or accredited. The program shall provide the Department written notice within five (5) business days of the program'scenter's loss of certification or accreditation, including a copy of such notification from the certifying or accrediting entity. The Department shall rescind the program'scenter's exemption granted herein upon notification of the loss of certification or accreditation.

(iv) Any Centerecenter seeking such exemption shall comply with all applicable requirements for background checks for Directors, Provisional Employees and Employees~~directors/employees~~ as required in O.C.G.A. § 20-1A-30 et seq., Chapter 591-1-1, Rules for Child Care Learning Centers, Department policies, as well as applicable local, regional, and state health department, state fire marshal, and local fire prevention guidelines/requirements while such exemption is in effect. The Department retains jurisdiction over programseenters granted such exemption to conduct unannounced periodic background check audits and to conduct complaint investigations regarding compliance with background check requirements, as well as compliance with local, regional, and state health department, state fire marshal, and local fire prevention guidelines/requirements.

(v) The Department may rescind such exemption for a program'scenter's failure to comply with the requirements for background checks for directors/employees pursuant to O.C.G.A. § 20-1A-30 et seq., Chapter 591-1-1, Rules for Child Care Learning Centers, and Department policies.

(vi) Any Centerecenter applying for such exemption that is owned and/or under the legal control/direction of the certifying or accrediting entity shall not be approved by the Department.

(vii) A Centerecenter seeking such exemption shall adopt and comply with the minimum standards of its certifying or accrediting entity for the operation of the Center'scenter's program.

Such minimum standards adopted by the Center shall be published and made available to Parents of enrolled or prospective children upon request.

(viii) A program granted such exemption shall comply with the requirements regarding notification to Parents of enrolled children if the program does not carry liability insurance.

Authority O.C.G.A. Sec. 20-1A-1 *et seq.*

II. Public Comment on Proposed Amendments to *Rules and Regulations for Child Care Learning Centers*:

The proposed amendments to the *Rules and Regulations for Child Care Learning Centers* as noted above have been posted to Bright from the Start's website at <http://dec.al.ga.gov/ChildCareServices/ProposedRevisions.aspx>.

The proposed changes are being considered for adoption on a permanent basis, and Bright from the Start invites interested parties to comment on them. All comments, written and verbal, will be given full consideration.

Interested parties may submit written comments by mail to 2 Martin Luther King, Jr. Drive SE, Suite 754, East Tower, Atlanta, GA 30334, by fax to (404) 656-0351 or by e-mail to CCSRuleRevisions@dec.al.ga.gov. To be considered, Bright from the Start must receive written comments on or before 5 p.m., November 10, 2015.

Interested parties who prefer to make verbal comments on the proposed rule changes may do so at a public hearing before the Board of Early Care and Learning. The public hearing will be held from 1 p.m. to 2 p.m. at 2 Martin Luther King Jr. Drive SE, East Tower 8th Floor, Oak Room, Atlanta, Georgia 30334 on Thursday, November 12, 2015. Speakers should sign in to speak before 1 p.m. If no guest speakers arrive by 1:30 p.m., the board will resume its regular meeting. Comments made in writing will be given the same consideration as those that are made verbally.

All interested parties are invited to attend the public hearing even if they choose not to make verbal comments regarding the rule amendment proposals.

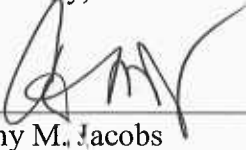
All written comments received by 5 p.m. November 10, 2015 will be shared with the Board members of Bright from the Start in reference to Bright from the Start's proposal to amend its Child Care Learning Center rules in Rule Chapter 591-1-1 in the *Rules and Regulations for Child Care Learning Centers*. After the Board decides to adopt or reject the proposed rule changes, an order adopting or rejecting the proposal will be posted on the department's website at www.dec.al.ga.gov.

This notice of proposed rulemaking is being issued pursuant to O.C.G.A §§ 20-1A-1 *et seq.* and 50-13-4. If you have any questions about the notice, contact Kristie Lewis, Assistant Commissioner for Child Care Services, at (404) 657-5562.

If, due to a disability, you need this notice in an alternate format or if you plan to make verbal comments and will require special accommodations, call Kristie Lewis at the number referenced above. Please do this as soon as possible but no later than ten (10) days before the above referenced public hearing.

We appreciate our partnership with you in meeting the early care and education needs of Georgia's children and families, and we value your expertise and experience as we refine the rules and regulations that ensure our children remain healthy and safe.

Sincerely,



Amy M. Jacobs
Commissioner